

The Gazette of India



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No. 13] NEW DELHI, SATURDAY, MARCH 26, 1960/CHAITRA 6, 1882

NOTICE

The mentioned Gazettes of India Extraordinary were published upto the 17th March, 1960 :—

Issue No.	No. and date	Issued by	Subject
47	S.O. 648, dated the 11th March, 1960.	Ministry of Labour and Employment.	An industrial dispute between the employers in relation to the Bombay Port Trust, Bombay and their workmen referred to the Additional Industrial Tribunal Bombay, for adjudication.
	S.O. 649, dated the 11th March, 1960.	Do.	Prohibition of the continuance of the strike by the workmen of the Bombay Port Trust, Bombay.
48	S.O. 650, dated the 14th March, 1960.	Ministry of Scientific Research and Cultural Affairs.	Amendment made in the International Copyright Order, 1958.
49	S.O. 658, dated the 16th March, 1960.	Election Commission, India	List of contesting candidates for election to the Council of States by the elected members of the Legislative Assembly of Bombay.
50	S.O. 699, dated the 17th March, 1960.	Ministry of Information and Broadcasting.	Approval of the films to be of the description specified therein.
	S.O. 700, dated the 17th March, 1960.	Do.	Approval of the films to be of the description specified therein.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 17th March 1960

S.O. 712.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby cancels its Notification No. 434/3/59(1), dated the 11th December, 1959, published in the Gazette of India, Part II—Section 3—Sub-section (ii) [No. 51], dated the 19th December, 1959/Agrahayana 28, 1881.

[No. 434/3/59(1).]

By Order,

S. C. ROY, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 18th March 1960

S.O. 713.—In exercise of the powers conferred by section 3(2)(a) of the Special Marriage Act, 1954 (No. 43 of 1954), the Central Government hereby appoints Shri N. N. Dhar, Income-tax Officer, Srinagar, as the Marriage Officer for the State of Jammu and Kashmir in addition to his own duties vice Shri R. N. Kotru who has proceeded on leave preparatory to retirement with effect from 8th December, 1959.

[No. F.11(1)/60-K.]

K. N. V. NAMBISAN, Dy. Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 14th March 1960

S.O. 714.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, namely,—

Amendment No. 40.

In Schedule 1, to the Rules under 'A—Ministry of Commerce and Industry' insert the following:—

"13: Custodian of Enemy Property."

(This amendment takes effect from 20th December, 1958).

[No. 19(1)-E.II(A)/60.]

New Delhi, the 16th March 1960

S.O. 715.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, namely:—

Amendment No. 39

Add the following in column 4 against Serial No. 7 of the Annexure to Schedule V:—

"Air lifting of stores should be resorted to only in rare cases of extreme urgency. In order to ensure that this condition is not violated a report of all

cases of air-lifting of stores sanctioned by subordinate authorities, other than the Departments of the Central Government, should be submitted by them periodically to the next higher administrative authority. Sanction for air lifting should be accorded by the Departments of the Central Government only in consultation with their Financial Advisers."

[No. 12(42)-E II(A)/59.]

S.O. 716.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958, namely:

In Schedule I to the Rules, under 'F-Ministry of Food and Agriculture—(Department of Agriculture)' insert the following—

"20—Chairman, Delhi Milk Scheme, New Delhi"

(This amendment takes effect from 27th September, 1959).

[No. 12(67)-E II(A)/59.]

K. P. SIRCAR, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 18th March 1960

S.O. 717.—It is notified for general information that in pursuance of sub-section (1) of Section 34 of the Industrial Finance Corporation Act, 1948 (15 of 1948), Messrs S. B. Billimoria and Company, Chartered Accountants, 113, Mahatma Gandhi Road, Fort, Bombay, have been elected by the parties mentioned in sub-section (3) of Section 4 of the said Act, as one of the two auditors of the Industrial Finance Corporation of India for the year ending 30th June, 1960.

[No. F. 2(79)-Corp/59.]

S.O. 718.—In pursuance of sub-section (1) of section 34 of the Industrial Finance Corporation Act, 1948 (15 of 1948) the Central Government, in consultation with the Comptroller and Auditor General of India, hereby appoints Messrs. S. Vaidyanath Aliyar and Company, New Delhi, as one of the auditors of the Industrial Finance Corporation of India for the year ending 30th June, 1960

[No. F. 2 (79)-Corp/59.]

M. K. VENKATACHALAM, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 19th March 1960

S.O. 719—Statement of the Affairs of the Reserve Bank of India, as on the 11th March 1960.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	8,66,81,000
Reserve Fund	80,00,00,000	Rupee Coin	1,37,000
National Agricultural Credit (Long-term Operations) Fund	30,00,00,000	Subsidiary Coin	5,57,000
National Agricultural Credit (Stabilisation) Fund	4,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal	
(a) Government		(b) External	
(1) Central Government	50,63,53,000	(c) Government Treasury Bills	7,47,93,000
(2) Other Governments	29,76,48,000	Balances held abroad*	32,26,97,000
(b) Banks	71,63,30,000	**Loans and Advances to Governments	29,49,35,000
(c) Others	95,03,76,000	Other Loans and Advances†	135,60,96,000
Bills Payable	27,25,72,000	Investments	207,48,82,000
Other Liabilities	41,65,68,000	Other Assets	13,90,69,000
TOTAL	434,98,47,000	TOTAL	434,98,47,000

*Includes Cash & Short-term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 7,49,20,000/- advanced to scheduled banks against usance bills under Section 17 (4)(c) of the Reserve Bank of India Act.

the 16th day of March, 1960.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 11th day of March 1960.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department . . .	4,66,81,000		A Gold Coin and Bullion:-		
Notes in circulation . . .	<u>18,37,89,69,000</u>		(a) Held in India . . .	117,76,03,000	
Total Notes issued		18,46,56,50,000	(b) Held outside India . . .		
			Foreign Securities . . .	<u>163,00,89,000</u>	
			TOTAL OF A . . .		280,76,92,000
			B. Rupee Coin . . .		123,68,92,000
			Government of India Rupee Securities . . .		14,42,10,66,00
			Internal Bills of Exchange and other commercial paper . . .		
TOTAL—LIABILITIES . . .		18,46,56,50,000	TOTAL—ASSETS . . .		18,46,56,50,000

Dated the 16th day of March, 1960.

H. V. R. IENGAR,
Governor.

[No. F. 3(2)-BC/60.]
A. BAKSI, Jt. Secy.

(Department of Economic Affairs)

New Delhi, the 22nd March 1960

S.O. 720.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 11 of the said Act shall not apply to the Moolankuzhi Union Bank Ltd., Thopumpady, for a period upto and including the 30th September, 1960.

[No. F. 4(1)/BC. 60 (II).]

S.O. 721.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that in the case of the under-noted banking companies, the provisions of section 11 of the said Act shall not apply up to and including the 31st March, 1961.

1. Anthraper Bank (Private) Ltd., Shertallay.
2. Cochin Nayar Bank Ltd., Trichur.
3. Cochin Union Bank Ltd., Trichur.
4. Colony Bank Ltd., Ludhiana.
5. G. Raghunathmull Bank Ltd., Hyderabad (Dn.).
6. New Citizen Bank of India Ltd., Bombay.
7. Oriental Union Bank Ltd., Kaduthuruthy.
8. Prabartak Bank Ltd., Calcutta.
9. Rayalaseema Bank Ltd., Anantapur.
10. Society Bank Ltd., Tiruvalla.
11. Suburban Bank (Private) Ltd., Trichur.

[No. F. 4(1)/BC. 60 (I)]

D. N. GHOSH, Under Secy.

CENTRAL BOARD OF REVENUE**INCOME-TAX**

New Delhi, the 9th March 1960

S.O. 722.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that with effect from 29th February, 1960 (forenoon) Shri S. P. Jain a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes of classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of West Bengal as specified below:—

1. Companies District I, Calcutta.
2. Companies District III, Calcutta.
3. Midnapur.
4. Asansol.
5. Refund Circle, Calcutta.
6. Howrah.
7. 24-Parganas.
8. Burdwan-Birbhum.
9. Jalpaiguri.
10. Special Survey Circle VIII, Calcutta.
11. District VI, Calcutta.
12. District III(I), Calcutta.

- 13 Murshidabad-Nadia
- 14 Hoogly
- 15 Darjeeling Circle, Siliguri.
- 16 Cinema Circle I
- 17 District III-A, Calcutta
- 18 Central Salaries Circle, Calcutta.
- 19 Special Survey Circle VII, Calcutta.
- 20 Non-Companies (Income-tax cum Excess Profits Tax) District I, Calcutta
- 21 District II(2), Calcutta
- 22 Foreign Section, Calcutta
- 23 Cooch-Behar
- 24 West Dinajpur-Malda
- 25 Estate Duty cum Income-tax Circle, Calcutta
- 26 Estate Duty cum Income-tax Circle, (Mofussil), Calcutta
- 27 Estate Duty cum Income-tax Circle, Jalpaiguri
- 28 Bankura—Purulia, Purulia
- 29 District III(3), Calcutta.
- 30 Project Circle I

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any income-tax authority outside his jurisdictional area

While performing the said functions the said Shri Jain shall be designated as the Commissioner of Income-tax West Bengal with headquarters at Calcutta

Explanatory Note

NOTE.—The amendments have become necessary due to a change in the incumbent of Commissioner's post

(The above note does not form a part of the notification but is intended to be merely clarificatory)

[No 24 (F No 55/1/60 IT)]

New Delhi, the 15th March 1960

S.O. 723.—In exercise of the powers conferred by sub-section (6) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following further amendments in the Schedule annexed to its notification S.R.O. 1214 No 44-Income-tax dated the 1st July, 1952.—

In the said Schedule, for the existing entries in Columns 2, 3, 4, 5 and 6 against S No 49 substitute the following entries respectively namely—

2	3	4	5	6
All employees, whether civil or military, who are members of or are attached to the Military Accounts Department and are under the audit control of the Controller of Defence Accounts, Other Ranks, Mysore	Income tax Officer, Mysore.	Inspecting Assistant Commissioner Bangalore Range, Bangalore.	Appellate Assistant Commissioner A-Range, Bangalore.	Commissioner of Income-tax Mysore, Bangalore.

This notification shall take effect from 1st April, 1960

[No 27 (F. No. 55/24/60. IT).]

New Delhi, the 16th March 1960

S.O. 724.—In exercise of the power conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject, the Central Board of Revenue hereby directs that Shri W. K. Gharpurey, a Commissioner of Income-tax shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Madras.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or of such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Gharpurey shall be designated as the Commissioner of Income-tax, Madras with headquarters at Madras.

This notification shall take effect from 1st April, 1960.

Explanatory Note

NOTE.—The amendments have become necessary due to re-organisation of Commissioner's charge.

(The above note does not form a part of the notification but is intended to merely clarificatory).

[No. 28 (F. No. 55/17/60.IT).]

S.O. 725.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that Shri H. M. Hamid Mirza a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Kerala and the Union Territory of Laccadive, Minicoy and Amindivi Islands.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or of such cases as have been or may be assigned to any income-tax authority outside his jurisdictional area.

While performing the said functions the said Shri Mirza shall be designated as the Commissioner of Income-tax, Kerala with headquarters at Coimbatore.

This notification shall take effect from the 1st day of April, 1960.

Explanatory Note

NOTE.—The amendments have become necessary on account of the reorganisation of the Commissioner's charge.

(This note does not form a part of the notification but is intended to be merely clarificatory).

[No. 29 (F. No. 55/17/60.IT).]

S.O. 726.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue

hereby makes the following further amendments to its notification S.O. 660 No. 35-Income-tax, dated the 22nd April, 1958 namely:—

For the existing sub-head "X-Kerala & Coimbatore", the sub-head "X-Kerala" shall be substituted and for the existing entries in Columns 1 and 2 of the Schedule under that sub-head the following entries shall be substituted, namely:—

TRIVANDRUM RANGE:

1. Trivandrum Circle.
2. Salary Circle, Trivandrum.
3. Quilon Circle.
4. Alleppey Circle.
5. Kottayam Circle.
6. Special Survey Circle, Ernakulam (in respect of persons who have their principal place of business in or reside within the jurisdiction of the income-tax circles mentioned above).
7. Special Investigation Circle, Trivandrum.

CALICUT RANGE:

1. Ernakulam Circle.
2. Mattancherry Circle.
3. Alway Circle.
4. Trichur Circle.
5. Palghat Circle.
6. Calicut Circle.
7. Cannanore Circle.
8. Special Survey Circle, Ernakulam (in respect of persons who have their principal place of business in or reside within the jurisdiction of the income-tax circles mentioned above)
9. Estate Duty-cum-Income-tax Circle, Ernakulam.

This notification shall take effect from the 1st April, 1960.

Explanatory Note

The amendments have become necessary on account of the transfer of Nilgiris and Coimbatore Districts from the Charge of the Commissioner of Income-tax, Coimbatore to the Commissioner of Income-tax, Madras.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 30 (F. No. 55/17/60-IT).]

S.O. 727.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification S.O. 660 No. 35 dated the 22nd April, 1958, namely:—

In the said Schedule under the sub-head "XII-Madras" for the existing entries in columns 1 and 2 the following entries shall be substituted namely:—

MADRAS RANGE:

1. Madras City Circle I.
2. Madras City Circle II.
3. Madras City Circle III.
4. Madras City Circle IV.
5. Madras City Circle V.
6. Madras (Special) Circle.
7. Madras Special (Central) Circle.
8. Special Circle, Madras.

9. Special Investigation Circle 'A' Madras.
10. Special Investigation Circle 'B' Madras.
11. Salaries Circle, Madras.
12. Foreign Section, Madras.
13. Central Circles I & II, Madras.
14. Special Survey Circle No. I, Madras.
15. Estate-Duty-cum-Income-tax Circle, Madras.
16. Kancheepuram Circle.

MADHURAI RANGE:

1. Madhurai Circle.
2. Estate Duty-cum-Income-tax Circle, Madurai.
3. Dindigul Circle.
4. Virudhunagar Circle.
5. Tuticorin Circle.
6. Tirunelveli Circle.
7. Nagercoil Circle.
8. Special Survey Circle No. 2, Madhurai.

TIRUCHIRAPALLI RANGE:

1. Tiruchirapalli Circle.
2. Pudukkottai Circle.
3. Karalkudi Circle.
4. Thanjavur Circle.
5. Nagapattinam Circle.
6. Cuddalore Circle.

COIMBATORE RANGE:

1. Coimbatore Circle.
2. Special Circle, Coimbatore.
3. Special Investigation Circle, Coimbatore.
4. Estate Duty-cum-Income-tax Circle, Coimbatore.
5. Excess Profits Tax Circle, Coimbatore & Erode.
6. Erode Circle.
7. Special Survey Circle, Coimbatore (In respect of persons who have their principal place of business in or reside within the jurisdiction of the Income-tax Circles mentioned above).
8. Ootacamund Circle.
9. Salem Circle.
10. Vellore Circle.
11. Estate-Duty-cum-Income-tax Circle, Salem.

This notification shall take effect from the 1st April, 1960.

Explanatory Note

NOTE.—The amendments have become necessary on account of the re-organisation of the Appellate Assistant Commissioner's Ranges in the Charge of the Commissioner of Income-tax, Madras.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 31 (F. No. 55/17/60.IT).]

CORRIGENDUM**INCOME-TAX**

New Delhi, the 14th March 1960

S.O. 728.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following amendments to its notification S.O. 473 No. 18—Income-tax dated 20th February, 1960.

For the existing entries against S. Nos. 9, 15, 16, 18, 28 and 30 in its notification the following entries shall be substituted, namely:—

- “9. Jalpaiguri.
- 15. Darjeeling Circle, Siliguri.
- 16. Cinema Circle—I.
- 18. Central Salaries Circle, Calcutta.
- 28. Bankura—Purulia, Purulia.
- 30. Project Circle—I.

[No. 25 (F. No. 55/1/60. I.T.).]

D. V. JUNNARKAR, Under Secy.

COLLECTORATE OF CENTRAL EXCISE, CALCUTTA**CENTRAL EXCISE**

Calcutta, the 24th February 1960

S.O. 729.—This Collectorate Central Excise Notification No. 1/1958, dated 4th February 1958 is hereby rescinded.

[No. 3/1960.]

S. P. KAMPANI, Collector.

ERRATUM

The S.O. No. 730 in the Gazette of India, Part II—Section 3(ii), dated the 26th March 1960 has been omitted.

MINISTRY OF COMMERCE & INDUSTRY

(Office of the Jt. Chief Controller of Imports and Exports)

ORDER

Bombay, the 2nd March 1960

S.O. 731.—Whereas M/s. Pattani Industrial Corpn. 82, Apollo St., Bombay, or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 5.2.111.P.4.1.60/B, dated 6th February 1960, proposing to cancel licence No. 733308/57/E1/JTCCI, dated 22nd May 1959, valued at Rs. 500 for the import of Component parts of Textile Machinery from the Soft Currency Area except South Africa, granted to the said M/s. Pattani Industrial Corp., Bombay, by the Jt. Chief Controller of Imports and Exports, Bombay, Government of India, in the Ministry of Commerce and Industry, in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, hereby cancel the said licence No. E 733308/57/E1/JTCCI, dated 22nd May 1959, issued to the said M/s. Pattani Industrial Corp., 82, Apollo St. Bombay-1.

M/s. Pattani Industrial Corp., 82, Apollo St., Bombay.

[No. 5.2.111.P.4.1.60.B.]

(Sd.) Illegible,
Dy. Chief Controller.

(Indian Standards Institution)

New Delhi, the 14th March 1960

S.O. 732.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the rules and regulations framed thereunder, shall come into force with effect from 1st April 1960.

THE SCHEDULE

Design of the Standard Mark	No. and title of relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)



IS: 1221-1957 Specification for
Dye Based Fountain Pen Inks
(Blue, Green, Violet, Black
and Red)

The monogram of the Indian
Standards Institution, consist-
ing of letters ISI, drawn in the
exact style and relative propor-
tions as indicated in column (1),
the number designation of the
Indian Standard being ins-
cribed in the top side of the
monogram as indicated in the
design.

[No. MD/17-2.]

S.O. 733.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for Dye Based Fountain Pen Inks (Blue, Green, Violet, Black and Red), details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1st April 1960.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and Title of relevant Indian Standard	Unit	Marking Fee per unit
I	Dye Based Fountain Pen Inks (Blue, Green, Violet, Black and Red).	IS : 1221-1957 Specification for Dye Based Fountain Pen Inks (Blue, Green Violet, Black and Red)	One gallon	10 naye Paisa

[No. MD/18-2.]

New Delhi, the 16th March 1960

S.O. 734.—In pursuance of sub-regulation (1) of regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed, has been cancelled.

THE SCHEDULE

Sl. No.	No. and title of the Indian Standard cancelled	No. and date of Gazette Notification in which establishment of the Indian Standard was notified
(1)	(2)	(3)
I.	IS : 886-1957 Dimensions for Screw Threads (Below 6 mm)	S.R.O. 2029 dt. the 22nd June 1957

[No. MD/13-7.]

S.O. 735.—In modification of the rate of marking fee for Denatured Spirit, notified in Sl. No. 2 of the Schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institution) Notification No. S.O. 208, dated 18th February 1958 published in the Gazette of India Part II—Section 3 Sub-Section (ii), dated 15th March 1958, the Indian Standards Institution hereby notifies that the marking fee per unit for Denatured Spirit, details of which are given in the Schedule hereto annexed, has been amended. The amended rate of marking fee shall come into force with effect from 1st April 1960.

THE SCHEDULE

Product/Class of Product	No. and Title of the Relevant Indian Standard	Unit	Marking fee per unit as Amended
(1)	(2)	(3)	(4)
Denatured Spirit	IS: 324-1952 Specifi- cation for Denatured Spirit	One thousand bulk gallons	Rs. 8.00 per unit for first 200 units Rs. 6.00 per unit for the next 300 unit Rs. 4.00 per unit for the 501st unit and over
			with a minimum of Rs. 2,000 for pro- duction during a calendar year

[No. MD/18-2.]

C. N. MODAWAL,
Deputy Director (Marks).

MINISTRY OF STEEL, MINES & FUEL

(Department of Mines and Fuel)

New Delhi, the 15th March 1960

S.O. 736.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 8 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952), the Central Government hereby fixes, with effect on and from the 1st day of April, 1960, the following rates at which the duty of excise referred to in the said clause shall be levied on coal and coke, namely:—

	<i>Rate of excise duty per ton of 2240 pounds.</i>	<i>Rate of excise duty per tonne of 1,000 kilograms.</i>
(i) on all coal including soft coke, but excluding hard coke.	88 naye paise	86·6 naye paise
(ii) on hard coke.	94 naye paise	92·5 naye paise

Note.—The expression "tonne" shall have the meaning assigned to it in notification No. S.O. 290, dated the 30th January, 1959 of the Government of India in the Ministry of Commerce and Industry.

2. Notification No. S.O. 206, dated the 12th January, 1960 of the Government of India in the Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) shall stand superseded with effect from the 1st April, 1960.

[No. C5-7(3)/60.]

CHHEDI LAL, Dy. Secy.

(Department of Iron & Steel)

New Delhi, the 18th March 1960

S.O. 737/ESS.COMM/IRON AND STEEL-2(c)/AM(65).—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS. COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, against 'OTHERS', the following entry shall be added, namely:—

2	3
"48. Director of Stores, N.H.Q., New Delhi.	4 and 5"

[No. SC(A)-1(20)/59.]
G. RAMANATHAN, Dy. Secy.

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

CORRIGENDUM

New Delhi, the 18th March 1960

S.O. 738.—In the schedule to the Andamans Forest Department (Class III and IV posts) Recruitment Rules 1959, published with the notification of the

Government of India, Ministry of Food & Agriculture, (Department of Agriculture) No. S.O. 2626 dated the 19th November, 1959:—

For the words "promotion from Carpenter, failing why direct recruitment" under column 14 of Item 12 Read "promotion from Carpenters, failing which by direct recruitment", and

For the figure "55—5—85—EB—4—125—5—130," under column 4 of item No. 20 Read "55—3—85—EB—4—125—5—130".

[No. F. 6-15/58-F.II.]

N. RANGANATHAN, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Transport)

(Transport Wing)

PORTS

New Delhi, the 18th March 1960

S.O. 739.—In pursuance of section 9 of the Madras Port Trust Act, 1905 (Madras Act II of 1905), the names of the following persons who have been elected as Trustees of the Port of Madras for a period of two years from 1st April 1960 are hereby published for general information:—

Name of elected person	Constituency from which elected
Shri G. Rajaratnam.	Corporation of Madras.
Shri B. Nagi Reddi.	Andhra Chamber of Commerce.
Shri V. G. S. V. Prasad.	
Shri R. M. Dave.	Hindustan Chamber of Commerce.
Shri K. S. G. Haja Shareeff.	Indian National Steamship Owners' Association.
Shri A. R. Liddiard.	Madras Chamber of Commerce.
Shri E. F. G. Hunter.	
Shri P. GovindaSwamy.	Southern India Chamber of Commerce.
Shri A. Subramaniam	
Shri M. A. M. Ramaswamy.	
Shri K. V. Srinivasan.	

[No. 13-PG(7)/60.]

K. NARAYANAN, Dy. Secy.

(Departments of Communications and Civil Aviation)

New Delhi, the 17th March 1960

S.O. 740.—Whereas on the 10th March, 1960, an accident occurred at Jorhat, to the Twin Pioneer aircraft G-ANTP, of M/s. Scottish Aviation, engaged in a demonstration flight, resulting in the death of two persons and injury to one;

And whereas, it appears to the Central Government that it is expedient to hold an inquiry into the said accident by a Committee of Inquiry;

Now, therefore, in exercise of the powers conferred by rule 74 of the Indian Aircraft Rules, 1937, the Central Government hereby appoints a Committee of Inquiry composed of the following persons to hold an inquiry into the said accident, namely:—

Chairman

1. Shri K. L. Puri, Director of Aeronautical Inspection, Civil Aviation Department.

Members

2. Shri A. M. N. Sastry, Inspector of Accidents, Civil Aviation Department.
3. Wing-Commander S. C. Kaikobad, Indian Air Force.

[No. 7-A/15-60.]

T. R. MANTAN, Dy. Secy.

(P. & T. Board)

New Delhi, the 17th March 1960

S.O. 741.—In pursuance of Section III (a) of rule 434 of the Indian Telegraphs rules, 1951 as introduced by S.O. 627 dated 8th March 1960 the Central Government hereby specifies the 1st day of April 1960 as the date on which the measured rate system will be introduced at Visakhapatnam telephone exchange.

[No. 11-12/59-PHC.]

S. MAHADEVA IYER, Director.

MINISTRY OF WORKS, HOUSING & SUPPLY

New Delhi, the 14th March 1960

S.O. 742.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Junior and Senior Machine Operators in the Headquarters Office of the Director General of Supplies and Disposals, New Delhi, namely:—

1. Short title.—These rules may be called the Director General of Supplies and Disposals (Machine Operators) Recruitment Rules, 1960.

2. Application.—These rules shall apply for recruitment to the posts of Junior and Senior Machine Operators at the Headquarters Office of the Director General of Supplies and Disposals, New Delhi.

3. Number, classification and scale of pay.—The number, classification of the post and the scales of pay attached thereto shall be as specified in columns 2 and 3 against Entries 2, 3 and 4 column 1 of the Schedule annexed hereto.

4. Method of recruitment, age limit and other qualifications.—The method of recruitment, the age limit, qualifications and other matters connected therewith shall be as specified in columns 2 and 3 against Entries 5 to 11 of column 1 of the said Schedule:

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of Scheduled Castes/Tribes, Displaced persons and other special categories in accordance with the general orders issued from time to time by the Government of India.

5. Disqualification.—No male candidate who has more than one wife living and no female candidate who has married a person having already a wife living shall be eligible for appointment to the posts:

Provided that the Government of India may, if it is satisfied that there exist special grounds for doing so, exempt any such candidate from the operation of this rule.

SCHEDULE

Recruitment Rules for the posts of Senior and Junior Machine Operator in the Head-quarter Office under Director General of Supplies and Disposal.

Junior Machine Operators	Senior Machine Operators
1. Name of post	Junior Operators.
2. Number of posts	3
3. Its classifications and whether gazetted or non-gazetted.	Class III-Non-gazetted Non-Ministerial.
4. Scale of pay	Rs. 60—3—81—EB—4—125— 5—130.
5. Whether selection or non-selection post.	Non-selection post.
6. Age limit for direct recruitment.	21-24 years.
7. Educational and other qualifications required.	1. Matriculation or equivalent. 2. Training and experience in punch card accounting (punching, verifying and sorting) on Powers-Samas Machines.
8. Whether age and educational qualifications prescribed for direct recruitment will apply in case of recruitment by promotion/transfer.	Does not arise.
9. Period of probation, if any.	One year.
10. Methods of recruitment i.e., whether by direct recruitment, by promotion or by transfer and percentages of vacancies to be filled by the various methods.	Direct recruitment through Employment Exchanges/ Open advertisement, if suitable candidates are not available from Employment Exchanges.
11. In case of vacancies filled by promotion/transfer/gradec/ sources from which promotion/transfer are to be made.	Does not arise.
	Direct recruitment through Employment Exchanges/ Open advertisement, if suitable candidates are not available from Employment Exchanges in initial stage. Later on by Promotion.
	Promotion from the rank of Junior Machine Operators who have put in at least 3 years of service.

[No. ES.II 49(6)/59.]
R. RAJAGOPALAN, Under Secy.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 11th March 1960

S.O. 743.—In exercise of the powers conferred by Section 47 of Indian Railways Act, 1890 (IX of 1890) read with the Notification of the Government of India

in the late Department of Commerce and Industry No. 801, dated the 24th March, 1905, the Railway Board hereby make the following further amendments in the General Rules for all open lines of Railways in India administered by the Government, published with the Notification of the Government of India in the late Railway Department (Railway Board) No. 1078-T, dated the 9th March 1929, namely:—

In the Schedule appended to Part III of the said Rules after items 9 and 16B and the respective entries relating thereto, the following items and entries shall respectively be inserted, namely:—

1	2	3	4	5	6
"9A	Boot Polishes.	Tins, or bottles packed in cases or casks.	Senders to declare on the consignment note whether the flashing point is below, or at or above 76° Fahr. and the Rly. staff to enter the same on the railway receipt and invoice.	No restriction as to quantity.	Must not be carried in the brake van of mixed or passenger trains. By mixed trains when loaded in wagons no restriction as to quantity but only carried when no goods trains are running." and
"16C	Boot Polishes.	Tins or bottles in cases or casks or tins in cardboard cartons, packed in fibre board cases or tins packed in saw dust or other suitable material in fibre board cases.	Senders to declare on the consignment note whether the flashing point is below or at or above 76° Fahr. and the Rly. staff to enter the same on the Rly. receipt and invoice.	No restriction as to quantity.	May be carried in the rear brake van of mixed or passenger trains up to a limit of 12 gallons (120 lbs. approximately) in one train. The cases must be placed as far as possible from other packages in the brake van and from the rear tail light of the train. By mixed trains when loaded in wagons no restriction as to quantity but only carried when no goods trains are running."

[No. 59-TGII/17/4.]

R. E. de Sa, Secy.

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 21st March 1960

S.O. 744.—In exercise of the powers conferred by the proviso to sub-section (4) of Section 1 of the Electricity (Supply) Act, 1948 (54 of 1948) and in partial modification of Notification No. EL-III-301(7), dated the 20th March, 1959, the Central Government hereby further extends the period referred to in the said Notification upto and including the 31st day of March, 1981, in the case of all the Union territories except Delhi.

[No. EL-II-301(7).]

G. D. KSHETRAPAL, Dy. Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 16th March 1960

S.O. 745.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Labour Court Dibrugarh, Assam, in the industrial dispute between the employers in relation to the Assam Oil Company Limited, Digboi and their workmen.

**BEFORE SHRI M. K. BARKATAKI, PRESIDING OFFICER, LABOUR COURT
(CONSTITUTED BY CENTRAL GOVERNMENT WITH HEADQUARTERS
AT DIBRUGARH, ASSAM)**

REFERENCE No. 1. (C) of 1959

In the matter of an industrial dispute.

BETWEEN

The Assam Oil Company Limited, Digboi, Assam,

AND

Their workmen.

APPEARANCES:

1. *For the Company.*—Shri J. K. Ghosh, Advocate, Orr, Dignam & Co.,; Shri B. R. Das, Advocate, Dibrugarh, instructed by Mr. L. Barid, an officer of the Company.
2. *For the Union.*—Shri P. K. Sanyal, Advocate, assisted by Shri S. K. Pramanik, an officer of the Union.

AWARD

The Central Government was pleased to refer the dispute—between the parties above named to this court, constituted by an order dated 29th September, 1959. The point for adjudication is whether the services of four employees namely, Sarvasri Balmiki Sweeper, Regd. No. 28309; N. C. Gogoi, Regd. No. 26579, Reasot, Regd. No. 352, and Babulal Begi were wrongfully terminated and if so, to what relief they are entitled.

It may be stated here that the reference was initially referred by the Central Government for adjudication to the Labour Court, Nagpur by order No. S.R.O. 1720, dated 14th August, 1958. Subsequently, as the services of Shri P. D. Vyas, Presiding Officer of the Labour Court of Nagpur had ceased to be available, the State—Labour Court of Assam was constituted a Labour Court with headquarters at Dibrugarh by the Central Government and the dispute was referred to for adjudication as indicated above. The reference was duly registered in this court, being Reference No. 1(c) of 1959 and usual notices were issued to the parties who filed their written statements with annexures in due course. Issues were framed and on completion of necessary steps, it was heard at Dibrugarh. It is worth stating here that during the pendency of this reference four other matters—one under section 33 and three others under section 33-A were filed before this court and they were—separately numbered as different cases and heard along with the reference.

The four employees named above were serving the company for different periods and the services of three were terminated during the year 1954 and of the fourth in the year 1955. The Assam Oil Company Labour Union took up their cases and as conciliation failed, the dispute was referred for adjudication. I will have occasion to refer to the facts and circumstances leading to the termination of each workman later on in details while dealing with their cases individually. It will be sufficient to say here that of these four employees, the services of two namely, Sri Ram Das Balmiki and Babulal Begi were terminated on medical grounds and of the other two namely, Sri N. C. Gogoi and Sri Reasot on grounds of alleged misconduct. According to the Union, the Company was actuated by motives of victimisation. There were *malafides* and unfair labour practice and the principles of natural justice were violated. In this view, the Union claimed re-instatement with back wages and continuity of services along with other compensations that might be available.

The Company pleaded that the orders of termination of services of two on medical grounds and of the other two on grounds of misconducts were justified and denied the allegations of victimisation, *mala fides*, unfair labour practice and of violation of the principles of natural justice.

Separate issues were framed in respect of each workman as to whether the services were wrongfully terminated and if so, are they entitled to re-instatement or any other relief.

It is now proposed to take up the case of each workman separately. First, I take up the case of Sri Ram Das Balmiki. He was serving the Company as sweeper since 1947. He was discharged on 17th February, 1954 on medical grounds. On being repatriated, he went to a doctor in his native place in Uttar Pradesh, who examined him and told him that he was not suffering from any lung disease. He felt better and after some time, feeling the need for employment came back to Digboi when the Union took up his cause. In Assam, he was examined in the Assam Medical College at Dibrugarh, where also he was not found suffering from any chest disease. The Company, after receipt of such a clear certificate from the Dibrugarh Medical College, offered to examine him and on further medical examination the Company's Chief Medical Officer found him fit for employment. Ultimately he was given reemployment but not re-instatement.

On the date of hearing after examination of the workman and another witness the parties at the suggestion of the court came to terms and settled the dispute on the following terms, viz., (a) that the said Sri Ram Das Balmiki shall be deemed to have been reinstated with effect from 17th February, 1954 and his services shall be deemed to be continuous from 8th September, 1957; (b) that the period from 17th February, 1954 to 10th January, 1958 shall be deemed to be a period of leave given to the workman without pay; (c) that the said workman shall be entitled to Rs. 2-4-0 per day as basic wages with effect from 11th January, 1958 and the arrear dues to him on the said basis shall be paid to him by the Company. A joint petition of settlement to the above effect was filed in this court, duly signed by the representatives of the Company and the Union and learned Advocates of the parties. This has been marked Annexure "X". On a perusal of the terms and on the hearing the learned Advocates, it has been found that the terms of settlement are really reasonable and in this view the prayer for an award on settlement so far as this workman is concerned was granted. The result is, that in view of the settlement there is no dispute between the Company and this workman namely, Sri Ram Das Balmiki and the reference so far as he is concerned is awarded in terms of the petition of compromise marked Annexure "X" which will form a part of the award. This disposes of the dispute regarding Sri Ram Das Balmiki.

Next I propose to take up the cases of Sri N. C. Gogoi, Registered No. 26579 and Sri Reasot, Registered No. 352, both of whom were discharged on grounds of misconduct. Before dealing with them individually I should like to dispose of a common ground raised by Sri Sanyal in respect of both of them. It was contended that the enquiry being vitiated, the whole thing is at large before this court and in view of this first trial by the department a second trial by this court is barred under Article 20 (2) of the Constitution which provides "no person shall be prosecuted and punished for the same offence more than once". I find that this contention cannot prevail. I shall presently show that in none of these two cases there was any defect in personal hearing. In both the cases the workmen took part and the Union representative was present. Both the workmen declined to adduce any further evidence there. Of course if any inherent or fatal defect is found in the enquiry and the Company do not prefer to fill up those gaps by leading evidence in this court, the benefit would certainly go to the workman. In passing the point that the whole matter is at large before the court, Sri Sanyal had the recent case between the Punjab National Bank Limited and their workmen disposed of by the Supreme Court and reported in 1959-II-LJ-666 in mind. At one place the head note of that case runs thus—"if the employer has not had any enquiry before dismissing the concerned employee he could not possibly contend before the Industrial Tribunal adjudicating the dispute relating to the justification of such dismissal, that he has bona fide exercised its managerial functions and authority in passing the order of dismissal and that the Tribunal should be slow to interfere with the said orders. It follows that if no enquiry has in fact been held by the employer, the issue about the merits of the impugned order of dismissal is at large before the Tribunal and on the evidence adduced before it, the Tribunal has to decide for itself whether the misconduct alleged is proved and if yes, what would be the proper order to make.

In such a case the point about the exercise of managerial functions does not arise at all." It appears from this, that the matter would be at large only if no enquiry was held. I feel that the principles annunciated above cannot be availed of in a case where an enquiry was held. In view of this, it cannot be said that there is a second prosecution, and Sri Sanyal's contention that the trial before this court is hit by Article 20(2) of the Constitution is not tenable.

Having thus disposed of the common ground I deal with each case individually. Sri N. C. Gogoi—This workman, at the time of dismissal was working as Fitter in the Drum Plant Refinery Engineering since 1950. According to the Union, This man "was going to visit a co-worker in Rundown Tank Firm after taking leave from his officer Mr. Morris; the Darwan suddenly caught hold of him from behind and dragged him to the motor garage (near the Works Manager's Office) which was in darkness and falsely accused him of keeping some materials in the garage for stealing, although he had no knowledge of the materials alleged to have been kept there. While he was protesting and was at a loss to understand what was happening to him, some other Darwans came and took him to the Company Officer". Then the matter was referred to the police and during the pendency of criminal proceedings, the Company issued a charge-sheet and discharged him without a fair enquiry although the workman was acquitted by the Magistrate in the criminal case.

The Company's case in this connection is that "on the 9th of September, 1954 at about 9:30 P.M. the Head Darwan put Darwan Dhan Bahadur on duty at the motor garage to watch over some materials which had been discovered thereby darwan Tczmal Khan. At about 9:45 P.M. Sri N. C. Gogoi was detected by the said darwan Dhan Bahadur cautiously approaching the motor garage from the direction of the Electric Power House, picking up a bundle of pipes and some mesh etc from and moving off in the same direction as he came from. The Darwan ran after him and reached him at about 15 feet towards the north from the motor garage when Sri N. C. Gogoi dropped the materials and pushed the darwan off"

The Company charged this workman under section 14, Rule I(b) of the standing orders Exhibit AV, which provides for dismissal by summary discharge for, among others theft, fraud or dishonesty in connection with the Company's business or property. He was served with a charge sheet. This was followed by an enquiry. After the enquiry he was summarily discharged for misconduct on 23rd September, 1954 by an order dated 22nd September, 1954.

In course of the hearing of the reference the Union examined Sri N. C. Gogoi, the concerned workmen, as witness No. 7, Sri K. Saikia as witness No. 8, and Sri U. R. Mukherjee as witness No. 9, so far as Sri N. C. Gogoi's matter is concerned. The Union has also proved besides some correspondences, the judgement of the—criminal court being Exhibit AO. The original charge-sheet Exhibit AR. The original advice of punishment from Exhibit AS, and the termination of service notice in original being Exhibit AT. It had also proved through the workman a sketch map regarding the site of the occurrence, being Exhibit AU.

On his behalf the learned Advocate Sri Sanyal contended besides the common ground already disposed of, that (1) the charge was vague; that the personal enquiry was vitiated; that there has been victimisation and that the dismissal is not sustainable as it was made with retrospective effect.

So far as his grievances regarding the charge is concerned it appears from Exhibit IA, that he was charged for attempt of theft of Company's property. The implication of this contention seems to be that section 14, Rule I(b) of the standing order, Ex. AV does not contemplate attempts to commit offence. I fail to be impressed by this. If theft or fraud or dishonesty is misconduct, attempts to commit those offences would also fall within the same category. The second grievance is about the personal hearing. This again brings me to the evidence recorded by the enquiring officer. They are to be found in the exhibit 6 A series. The workman's statement was recorded; his witnesses were also examined; witnesses on the side of the Company were also examined and the main witness the Darwan was cross examined by the workman himself. In the enquiry itself Sri U. Mukherjee who is the same person as witness No. 9 Sri U. R. Mukherjee, was also present. He is an office bearer of the Union. There is no material to show that the workman was denied any opportunity to defend himself. I have carefully gone through the evidenced and I find it extremely difficult to hold that the conclusion arrived at by the enquiring officer was not a probable

view of the matter. The sketch map Ex. AU prepared and filed by the workman does not support his case. Rather it goes the other way. In scrutinising an enquiry of his nature, the powers of a Labour Court are highly limited. They can be interfered with only on grounds of perversity, victimisation, bad faith, or violation of the principles of natural justice. Sri Sanyal for the Union contended that victimisation does not necessarily mean that it should arise out of trade union activities. Sri Ghosh from the side of the Company contested this proposition. There are however no materials on record to uphold any plea of victimisation. Sri Sanyal wanted to urge that the Darwan must have done that to justify his existence. I find it very difficult to accept this suggestion.

In this connection Sri Sanyal also contended that the personal hearing is vitiated by the fact that it was held during the pendency of the police case. The police case formed the subject matter of G. R. Case No. 2169/54. It was disposed of on 27th September 1955. Exhibit AO is the certified copy of that judgment by which the case was found false and the accused was acquitted. Sri Sanyal drew inspiration from this judgment when he contended that the darwan wanted to make out something for his own credit. I have not been referred to any authority which shows that departmental proceedings cannot be initiated and disposed of during the pendency of a criminal case.

Exhibit AZ (in two pages) contains extract of an award passed by the Industrial Tribunal where in granting permission under section 33, the matter was disposed of with the remark that in case of acquittal by a court, the decision was to be reviewed according to the principles of natural justice. Relying on this Sri Sanyal wanted to make out that the Company was obliged to reinstate this workman after his acquittal and made a grievance of the fact the Company declined to reinstate him after the acquittal. It appears the Company declined to review this matter. Whatever that might be, it is not a proposition of law that in case of every acquittal the management is to reverse its order. So I decline to accept this contention. In short, there is nothing to hold that the personal hearing is vitiated on any of the grounds.

Thus far I have discussed the merits of the case. I now take up a point of law raised by Sri Sanyal. His contention was that this order of dismissal with retrospective effect is bad on the very face of it. This was averred to in the written statement by the Union. In this connection I will refer to Exhibit 2A which is a termination of service notice. This is a copy proved on admission. According to this, the date of termination of service is 23rd September 1954 and the order is dated 22nd September 1954. Exhibit 3A is the advice of punishment form which is a copy and marked on admission. This document also shows that the discharge was to be effective from 23rd September 1954 and the order is dated 22nd September 1954. These two documents do not show that the order is retrospective. The original of the termination of service notice (Exhibit 2A) is Exhibit AT produced and proved by the Union and the original of the advice of punishment form (Exhibit 3A) is Exhibit AS similarly proved by the Union. These two documents show that the discharge was to be effective with effect from 11th September 1954 by an order dated 22nd September 1954. On behalf of the Company Sri Ghose relying on Exhibit 4(a) which is a reply to the Union Secretary, dated 25th October 1954 contended that this was a clerical error subsequently corrected. The workman concerned was specifically questioned and he denied that any other notice of termination was ever handed over to him on 23rd September 1954. The implication of this question was possibly to show that fresh notices of termination with correct dates were handed over to him on 23rd September 1954. The denial of the workman stands in this case. There is no sufficient material to find that it was a clerical mistake. The date 11th September 1954 appears to coincide with the date of suspension, and at the time of discharge his services were terminated with effect from the date. It cannot be held that it was case of clerical error. Now that being the position, it is necessary to consider the legal effect. Sri Sanyal, in this connection referred me three cases namely. Abdul Hamid vs. District School Board, reported in 61 C.W.N. 880; Satyen Kumar Dutta vs. Administrator District Board, 24 Paragan, reported in 63 C.W.N. 250 and Amal Kumar Sikder vs. I. M. Bhakshi and others reported in 62 C.W.N. 690. In the first case a school master was involved, in the second a Sub-overseer and in the third a State Transport Driver. The second case is a Division Bench Case of the Calcutta High Court. It appears from all the case laws that an order of discharge with retrospective effect is not warranted by law and is invalid. In 62 C.W.N. 690, it was observed that the principle of law is well established that an order of discharge cannot be made with retrospective effect.

Viewed in this light the order of discharge in the present case being one with retrospective effect cannot be said to be legal and for this reason it is found on law that the order of discharge of Sri N. C. Gogoi is not justified. The first issue is disposed of accordingly.

The second issue brings me the question of relief. When an order of termination of service is found to be not justified, the normal relief granted is that of reinstatement. There may be occasions however when circumstances would justify a departure from the normal rule. This is a case where the impugned order has been found to be unjustified only on a point of law, although on facts the findings happen to be against the workman. This a matter that involves a question of misconduct. So under the circumstances it would be only reasonable to grant compensation in lieu of re-instatement. This course will amply meet the ends of justice. He will receive his pay with all allowances from the date of his discharge till the date of this award and in addition compensation at the rate of one month's average basic pay for each year of service from 1950 to 1959. This issue disposed of accordingly.

Reasot, Regd. No. 352.—This workman was discharged for misconduct on 15th June 1955. Company's case against him was that he removed with dishonest motive brass and copper fittings from Locomotive Barbara. The materials alleged to have been removed consisted of (1) brass name plate of locomotive with names inscribed on it; (2) gauge glass fittings with copper feed tubes and (3) Injector cock. The Loco Barbara was in general workshop for the sole purpose of a running check. The items removed were fixed to the loco in such a way that their removal could only have been effected by deliberate dismemberment with the aid of tools. When the loss was reported it was ascertained that four persons including Reasot had been working nearby. Reasot was asked if he has seen any spare parts of Loco Barbara; he replied in the negative. He was asked to open the tool boxes. There were three boxes. The first box contained nothing; the second box contained oil, greese, tools and cotton waste. When Reasot was asked to take out the waste he at first seemed to be reluctant to do so. Underneath the waste were several fittings belonging to the loco. On opening the third box other parts were also found.

The workman was then charge sheeted and a personal enquiry was held in which he took part. On a consideration of the facts and circumstances the management found him guilty and discharged him from misconduct as already stated above. It may be stated here that the police was also informed and a police case proceeded but the departmental enquiry was finished long before that.

Union's case in this connection may be stated thus—The box remained admittedly under the custody of the crane driver. On the date of the incident, the driver gave him the keys to get out some kerosene from the drum kept near the tool boxes for clearing work in the crane. So naturally he produced the keys when he was asked for the same. He was falsely implicated and wrongfully discharged.

The Union characterized the order of discharge as wrongful, improper and highly unjust. It also alleged that the Company's refusal to review the discharge despite acquittal by the Magistrate militates against the principles of natural justice, equity and fair play. The departmental enquiry, according to the Union, was defective and vitiated on several grounds.

In course of hearing, the Union examined witness No. 10 Nazar Ali. Reasot was not examined. Another witness in respect of the case of this man is the testimony of witness No. 9 Sri Mukherjee who also happens to be an office bearer of the Union. No evidence was adduced by the Company.

Exhibit IB is the charge sheet where he was charged with theft, in that, he removed brass copper fittings from the Locomotive Barbara. Exhibit 5B series consisting of 11 pages contains the evidence of the workman and the witnesses examined in course of the personal hearing. It also appears that Sri U. R. Mukherjee was present on all the occasions on behalf of the Union. The hearing continued for two days namely, 8th June 1955 and 9th June 1955. The workman definitely declined to call any witness. Of the witnesses called by the Company it appears that different witnesses deposed as to how the loss of the materials from the Locomotive was detected and how those identical materials were recovered from the tool boxes in the occupation of the workman himself. Sri Sanyal vehemently urged that there was no evidence of removal. I quite

appreciate there is no oral evidence of any witness to effect that he (Reasot) was seen removing the articles. It however appears that those materials were found in the tool boxes which were opened with his key which had been in his possession since taking over the job as Slenger. It is worth stating here that at the relevant time this workman was working as Slenger. That the view taken by the management is a probable view is also borne out by the appeal petition Ex 2B filed by Reasot wherein he himself stated that he found the materials lying scattered on the ground and put them into the boxes. I do not mean to say that here he gave the correct version of the whole thing. This clearly established one significant fact that this workman himself placed these materials in the tool boxes underneath some cotton waste. It is difficult to accept his testimony that he did not know that these fittings belonged to the Locomotive Barbara. Viewed in this light Sri Sanyal's point that there was no evidence of removal would not carry him long. Yet another point sought to be made out was that he was an ordinary Jogali "helper" and working as a Slenger with no knowledge of work with tools. By this Sri Sanyal wanted to suggest that this man was not capable of removing those articles that were fitted into the locomotive. Such a contention did not prevail when the Company held the enquiry and I do not think that the Company's view is untenable on this point. This contention also fails.

Sri Sanyal also wanted to make out that the whole personal hearing is vitiated as it was based on the untested evidence of Mr. Mackenzie who was not examined before the workman. There is no doubt a statement of fact attributed to Mr. L. Mackenzie acting Workshop Superintendent. This statement does not allege anything particular against this workman besides stating that the materials were parts of the Locomotive Barbara. On the top of it this is dated 6th November 1958. As already indicated, the enquiry was concluded and the order of discharge was passed as far back as June 1955. Therefore it can never be said that the Company took into account this statement of fact made by Mr. Mackenzie. In short, there is absolutely no substance in this contention raised by Sri Sanyal. It would therefore appear that there is no material to hold that the personal hearing on the basis of which the order of discharge was passed is vitiated on any of the grounds namely, *mala fides*, victimisation or perversity.

Sri Sanyal wanted to assail it on the ground that the finding was arrived at while the criminal case was pending. It is no doubt true that when the matter was simultaneously referred to the police, it started GR case No. 1374 of 1955 which was disposed of by the learned Magistrate of Dibrugarh on 18th January 1958 after the close of the departmental enquiry. Exhibit AQ is the certified copy of that judgment. The case ended in favour of the accused who was discharged under section 352 of Cr. P.C., as according to the Magistrate no *prima facie* case was made out. I have not been referred to any rule of law which prohibits a departmental enquiry during the pendency of a criminal case. Next it was sought to be made out that there was victimisation, *mala fides* inasmuch as the Company declined to review its finding after the judgment of the Criminal court. Exhibit AG to Exhibit AI are the relevant documents in this connection. These indicate that the appeal was filed and disposed of before the disposal of the criminal case. Then another move for reviewing the decisions was made by Exhibit AJ. This was after the judgment of the criminal case, but the Company was not prepared to review it. Here also Sri Sanyal referred to the case of the workman named Sri Tribhuban, which I have already discussed in dealing with the case of Sri N. C. Gogoi. It is difficult to hold that the Company was obliged to re-instate the man on the ground that he obtained an order in his favour in a criminal court.

It therefore cannot be said that there was any violation of the principles of natural justice. In this view of the matter, I find that the order of discharge passed against the workman is justified. The issue about justifiability is disposed of accordingly.

In view of the finding above, the workman is not found entitled to any relief and the second issue about relief is answered against the workman Sri Reasot.

Babul Begi—His case may be stated thus: He served the Company as Sweeper for about 24 years. On or about 19th May, 1954 he was admitted as an indoor patient in the Company's Hospital. He was suspected to be suffering from tuberculosis and subsequent examination by the Company confirmed it. He was then asked by the Company to take settlement and leave Digboi. He resisted and pleaded for sanatorium treatment. The Union to which he belongs and his co-sweepers also pleaded similarly, but in vain. He was discharged on

medical ground with effect from 10th August 1954. He was sent to his home in Punjab. There he was compelled to take sanatorium treatment at Amritsar and spend all his money to secure his recovery. His disease was arrested and he was discharged therefrom on 27th February 1955. After taking some rest he came back to Digboi and approached the Company for work but without any effect. The Union took up his case and the Company eventually wrote in 1957 that he was sixty years old and the Company was unable to consider his employment. According to the Union he was 54 years of age. The Union characterized the order of discharge as illegal and wrongful.

The management's case is that when the X-Ray examination confirmed that this was a case of tuberculosis, the Chief Medical Officer recommended discharge and repatriation. The Company considered the report and was satisfied that the workman should be discharged. The case according to the Company, was unfortunately not one which was considered capable of arrest or cure by sanatorium treatment within a reasonable time. The workman agreed to repatriation and gave a final discharge in favour of the Company and he was therefore discharged on medical ground. The Company denied allegations of discrimination and *malafides*. Regarding sanatorium treatment, the Company's case was that it could not be claimed as of right. In his case such a treatment was refused as there was no prospect of the workman's regaining working usefulness within reasonable time. The Company gave him generous treatment in as much as four out of his family of nine members are working, two of them were engaged subsequent to his discharge. In course of hearing, the Company declined to adduce any witness and the workman examined himself and 3 witnesses. The issue in this case is whether the services of this man were wrongfully terminated. Exhibit 1(c) is the order of discharge dated 6th August 1954. This discloses that he was discharged on medical ground, effective from 10th August 1954. There is evidence to show that this man was admitted into the Company's Hospital where he was found to be suffering from Tuberculosis. He was admitted on 13th May 1954 and discharged in August 1954. The whole thing happened within a period of 3 months. The fact that he was suffering is not denied or disputed. When he was asked to leave Digboi he and his family members and co-workers pleaded for sanatorium treatment. The Union also took up his case. Exhibit 2(c), Ex. R, Ex. S, Ex. T and Ex. U are the relevant documents in support of this. Exhibit AM is the discharge certificate obtained from Amritsar Sanatorium where he received treatment from 16th September 1954 to 27th October 1955. This was proved in course of hearing without any objection. On a reading of this report it appears that at the time of his discharge he got cured of the disease. In this connection evidence of Dr. J. P. Singh, witness No. 3 is very relevant. Although he did not examine the man he deposed from the diagram in the discharge certificate Exhibit AM. According to him the workman had sufficiently recovered and the disease was arrested at the time of his discharge on 27th October 1955. The cavity in the lung disappeared and the sputum became negative by culture and he also gained in weight. His blood E.S.R.—a very important factor, was reduced to 5 m.m. from original 100 m.m. at the time of admission into the hospital. The normal of course, should be 5 to 15 M.M. The medical certificate Exhibit AM and the evidence of the doctor clearly establish that this was a case where the disease was resisted within a period of little above one year.

The whole grievance on behalf of the workman is that instead of being repatriated if he had been granted sanatorium treatment, then possibly he would have got cured and could have continued in his work. In short, the Union's contention is that the repatriation of a man suffering from lung trouble in this case is *malafides* and an instance has been cited in the case of Bishan Singh who when similarly attacked was given proper treatment and got cured and there was no occasion for his discharge. This according to the Union, is a case of discrimination amounting to *malafides* in as much as this workman Sri Babulal Begi is a Harijan whereas Bishan Singh is not.

It is therefore necessary to see how far the Company was justified in taking the action it took. Exhibit 2(c) which is identical with Exhibit T is a letter from the General Manager of the Oil Company to the General Secretary where the Company alleged that the case of Babulal is one which was not capable of arrest or cure by sanatorium treatment within reasonable time. Ex. U and Ex. V are the replies questioning the bona fides of this plea. It is not necessary to embark on a long discussion over this correspondence. What is very relevant in this connection, is the Company's rules regarding sanatorium treatment Exhibit AAB

consisting of 11 pages. The page, marked Appendix B of this Exhibit, contains Company's rules in this connection. There are three rules as follows:

(1) Only those T.B. cases which the C.M.O. considers are curable within 90 days will remain in hospital for that period. Obviously a hospital incurable case with less than 5 years service should be discharged without delay.

(2) Only those cases with over 5 years service, and then only if the C.M.O. considers susceptible to cure by sanatorium treatment, will be recommended for sanatorium treatment at Company's expense.

(3) (a) Sanatorium treatment is limited to a maximum of 2 years from the date of first going sick, and (b) half basic pay if sanctioned by General Manager will be granted for this period less the periods for which other pay is received e.g., Sick pay, Notice pay, Leave pay.

Sick pay beyond 90 days is granted by General Manager in exceptional cases *ex gratia*.

The above rules are said to be current rules. It is not clear since when these rules came into force. The standing order Ex. AV are silent on this point. Whatever that might be, the rules clearly indicate that a man with a service of more than 5 years to his credit is entitled to sanatorium treatment, if the Chief Medical Officer thinks it to be a curable case. From the trend of the letters referred to above namely, Exhibit 2(c) it appears that this stand was taken in this particular case also. The first letter in Exhibit 4(c) series, is a letter by the Chief Medical Officer to the senior Assistant Superintendent. This is dated 28th May 1954 i.e. 15 days after his admission to the Company's hospital. It reads thus "I, regret to inform you that this employee has extensive tuberculous infection in the left lung. His discharge on repatriation is recommended. He will probably require escort. He is not yet fit for travel". By second letter dated 31st May 1954, the Company immediately agreed to the proposal of the Chief Medical Officer. Then it appears he was made fit to travel and by letter dated 13th July 1954 the Chief Medical Officer desired that repatriation should be expedited. These are the letters placed before the court in this connection. I have already referred to letter Exhibit 2(c) wherein the Company took the stand that the case was not capable of arrest within a reasonable time, but the correspondence that passed between the Chief Medical Officer and the Company does not disclose any such thing. The letters rather indicate that greater stress was put on his repatriation and it never occurred to the management to find out if there was chance of recovery within a period of two years in a sanatorium where the workman wanted to have treatment as permitted by the rules. Within 15 days of his admission he was to be repatriated. He was made fit for repatriation. As a matter of fact he was repatriated within a period of about 3 months. On the other hand it has been noticed that this man got appreciably cured with sanatorium treatment for a year or little more. Here is a case where a man claimed sanatorium treatment which he was entitled to receive under the rules and procedure but not granted. The hurry with which repatriation was done, does not prove any *bonafides* on the part of the Company. The plea of discrimination cannot be ruled out. Annexure 'D' of Ex. 4(c) series is a receipt by this workman by which he agreed to be repatriated, promising never to return to Digboi to apply for work. The circumstances under which he was made to leave to Digboi have already been discussed. The stipulation in the certificate that he would never return to Digboi to apply for work is very significant. Such a certificate by a sick man made fit only for repatriation cannot be binding on him when it has been found that the impugned order lacks *bonafides*. In this view, I find that the order of discharge passed against this man is not justified. The issue is therefore answered against the management.

On the question of relief, there are no materials to depart from the normal rule of re-instatement since the order of discharge has been found to be unjustified. The question as to his age was raised by the Company when he approached for employment after recovery. No rule has been placed before the court to show that the class of employees to which this man belongs is superannuated on attainment of the age of 60, even if it is held that he is now aged 60 years. When he deposed before this court he appeared to be quite fit to carry on the work of a sweeper. I, therefore, hold that he be re-instated with back wages due and continuity of service. This issue is disposed of accordingly.

The net result is as follows:

(a) The reference relating to Sri Ram Das Balmiki, Sweeper Regd. No. 28309 is awarded in terms of the petition of compromise marked Annexure "X" which will form a part of the award.

(b) Regarding Sri N. C. Gogoi, Regd. No. 26579, the order of discharge having been found unjustified on law, he is found entitled to arrear pay with all allowances from the date of discharge to the date of this award and in addition compensation (instead of re-instatement under the circumstances) at the rate of one month's average basic pay for each year of service from 1950 to 1959. It is hereby directed that the Company would make the payment within one month from the date of publication of this award.

(c) So far as Sri Reasot, Regd. No. 352 is concerned, he is found not entitled to any relief in view of the finding that the order of discharge passed against him will stand.

(d) Sri Babulal Begl is found entitled to re-instatement with back wages due and continuity of service since the order of discharge passed against him has been found to be not justified.

Considering the circumstances, I pass no order as to the costs of these proceedings.

The reference is awarded accordingly in terms above on this the 16th day of February 1960 at Gauhati.

Dictated & corrected by me.

M. K. Barkataki,

Presiding Officer, Labour Court.

M. K. BARKATAKI,

Presiding Officer, Labour Court
(constituted by Central Govt.)
with Headquarters at Dibrugarh.

ANNEXURE

BEFORE SHRI M. K. BARKATAKI, B.L. PRESIDING
OFFICER, LABOUR COURT, DIBRUGARH, ASSAM (CONSTITUTED BY
CENTRAL GOVERNMENT)

In the matter of an Industrial dispute

BETWEEN:

Assam Oil Company Limited, Digboi (Assam)

Versus

Their workmen as represented by the A.O.C. Labour Union (Assam Oil Company Labour Union)

REFERENCE NO. 1(C) OF 1959

The humble petition of the parties abovenamed.

Most respectfully Sheweth:

1. That your petitioners have as a special case, settled the dispute relating to the workman Sri Ram Das Balmiki on the following terms, viz.:

(a) that the said Ram Das Balmiki shall be deemed to have been reinstated with effect from 17th February 1954; and his service shall deemed to be continuous from 8th September 1947;

(b) that the period from 17th February 1954 to 10th January 1958 shall be deemed to be the period of leave given to the workman without pay;

(c) that the said workman shall be entitled to Rs. 2/4/- per day as basic wages with effect from 11th January 1958 and the arrears due to him on the said basis as difference of wages shall be paid to him by the Company.

Your petitioners therefore, humbly pray that your honour may be pleased to make an award on the above terms in respect of the dispute relating to Sri Ram Das Balmiki. And your petitioners as in duty bound shall ever pray.

J. C. BISWAS,
Joint Secretary,
The 25th January 1960.

L. BAIRD,
Staff Assistant, A.O.C.

D. BAROOAH,
The 25th January 1960.
P. K. SANYAL,
Advocate, For the Workman.

J. K. GHOSH,
Advocate.
Orr Dignam & Co.
for the Company.

[No. 24/1/59-LRII.]

S.O. 746.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following awards of the Labour Court, Dibrugarh, Assam, in the matter of applications under section 33/33A of the said Act, from the workmen of Assam Oil Company Limited, Digboi.

BEFORE SHRI M. K. BARKATAKI, PRESIDING OFFICER, LABOUR COURT,
(CONSTITUTED BY CENTRAL GOVERNMENT WITH HEADQUARTERS AT
DIBRUGARH, ASSAM.)

CASE No. 1(C) OF 1959 IN REFERENCE NO. 1(C) OF 1959

BETWEEN

Assam Oil Company Limited, Digboi

AND

Their Workmen.

In the matter of an application of the Assam Oil Company Limited, Digboi, in Case No. 1(C) of 1959, under section 33(2)(b) of the Industrial Disputes Act, 1947.

APPEARANCES:

For the Company—Sri J. K. Ghosh, Advocate,

For the Workman—Sri P. K. Sanyal, Advocate.

with

Sri S. K. Pramanik, an officer bearer of the Union.

ORDER

This case arises out of an application filed by the Assam Oil Company Limited, Digboi, praying for approval of the summary discharge of the opposite party Sri Mon Bahadur Thapa, Regd. No. 28264, from the employment of the Company under section 33(2)(b) of the Industrial Disputes Act, 1947.

The charge against him was that while on duty at Bunglow No. 71 on 7th October, 1959 from 9 P.M. to 5 A.M. he was found fast asleep. A proper enquiry was held in which he participated and admitted his fault. On materials available, the management found him guilty and decided summary discharge.

The opposite party Sri Mon Bahadur denied the charge and also the allegations that there was a fair enquiry and that he admitted his fault. According to him the entire enquiry was a stage managed affair.

On the date of hearing at Dibrugarh the applicant Company declined to adduce any oral evidence but proved some documents, Ex. 1 to Ex. 11. The opposite party examined himself and two witnesses.

The point at issue is whether a *prima facie* case has been made out by the Company for the discharge of the opposite party.

Sri Ghosh for the Company contended that on materials a *prima facie* case was made out in a proper enquiry. Sri Sanyal for the workman, however, contended that there was neither a proper enquiry nor a *prima facie* case made out.

The question of jurisdiction of a Labour Court in a matter like this came up for consideration by the Supreme Court in Punjab National Bank Limited Vs. their workmen, reported in 1959 II L.L.J. 666. The relevant observation in this connection may be quoted thus—"Where an application is made by the employer for the requisite permission under section 33, the jurisdiction of the Tribunal in dealing with such an application is limited. It has to consider whether a *prima facie* case has been made out by the employer for the dismissal of the employee in question. If the employer has held a proper enquiry into the alleged misconduct of the employee and if it does not appear that the proposed dismissal of the employee amounts to victimisation or unfair labour practice, the Tribunal has to limit its enquiry only to the question as to whether a *prima facie* case has been made out or not."

In the present case there is the denial of the workman, both in his written statement and in his evidence before this court. As against this there are the proceedings of the enquiry as would appear from Exhibit 1 to Exhibit 8. The enquiry was held on 9th October 1959 by Mr. E. A. Sayres. It appears from the enquiry proceedings that the officer recorded statements of Sri Mon Bahadur and one Sri Dal Prasad. Both the statements appear to have been signed by Sri Mon Bahadur, three witnesses and one Sri Mandhaj Rai. Sri Mon Bahadur is apparently not literate in English. It appears from his signature in the written statement that he knows to write a Nagri hand. In his evidence he has definitely stated that he never admitted his guilt and on 9th October 1959 he was called to the office by the Security Officer and made to sign some papers. It does not appear from the proceedings that he was given any chance to ask any question to the witness, nor does it appear that he was asked to adduce evidence, if any.

Witness No. 2 is Sri Mandhaj Rai. He is one of the signatories to the statement recorded in course of the enquiry. He definitely stated that on the day in question he was sent for to the office by the Security Officer. On his arrival the Security Officer told him that Mon Bahadur's affair was being dealt with on that day and he definitely stated that he was simply asked to sign some papers which he did. It however appears from the proceedings that it was he who prevailed upon the workman to plead for mercy. This he definitely denied in course of evidence. In short, his evidence is such that it makes abundantly clear that no proper and formal enquiry was held. It is no doubt true that Shri Mandhaj Rai is a member of the Union but it appears from the charge sheet Exhibit 1 that he was not named by Shri Mon Bahadur to act as a Union representative in the enquiry. So it cannot be said that he attended the enquiry as a Union representative. On the other hand there is sworn evidence to the effect that when both Mon Bahadur and Mandhaj wanted to bring the Union representative on being asked to sign the papers they were prevailed upon not to do so. So the evidence and circumstances clearly indicate that no proper enquiry was made.

The question whether a *prima facie* case has been made out is dependant on the fact that there was a proper enquiry. It would appear so from the observations of the Supreme Court quoted above. In the present case it has been held on materials on record that no proper enquiry was held. On the other hand the attempt of a stage managed enquiry would justify the contention of unfair labour practice raised on behalf of the Workman. In this view of the matter, I find that the Company has failed to make out a *prima facie* case to obtain the approval sought for.

The result is that the approval sought for is refused and the application stands rejected. I, however, make no order as to costs.

It is ordered accordingly on this the 18th day of February, 1960 at Gauhati.
Dictated & corrected by me.

M. K. BARKATAKI,

Presiding Officer,

Labour Court.

M. K. BARKATAKI, Presiding Officer,
Labour Court, (constituted by Central Govt.).

BEFORE SHRI M. K. BARKATAKI, PRESIDING OFFICER, LABOUR COURT
(CONSTITUTED BY CENTRAL GOVERNMENT WITH HEADQUARTERS AT
DIBRUGARH, ASSAM)

CASE NO. 2(C) OF 1959, REFERENCE NO. 1(C) OF 1959

In the matter of an industrial dispute

BETWEEN

Sri Pramatha Ranjan Chakravarty, Regd. No. 6413, Fitter, Tinsukia Installation, Assam Oil Company Limited, Digboi.

AND

Assam Oil Company Limited, Digboi.

APPEARANCES:

For the Workman—Sri P. K. Sanyal, Advocate.

with

Sri S. K. Pramanik, officer bearer of the Union.

For the Company—Sri J. K. Ghosh

and

Sri B. R. Das, Advocates.

AWARD

This complaint under Section 33A of the Industrial Disputes Act, 1947, was filed by Sri Pramatha Ranjan Chakravarty, Regd. No. 6413, Fitter, Tinsukia Installation, Assam Oil Company Limited, Digboi, alleging contravention of the provisions of section 33 of the said Act.

Briefly his case is that he was wrongfully and unjustly discharged summarily with effect from 22nd May 1959 during the pendency of an industrial dispute in the Central Government Labour Court, Nagpur, without requisite sanction under section 33 of the Act. The charge that he attempted to remove one big block of brass was false and baseless. The Darwan who lodged complaint against him had grudge against him. A face saving enquiry was made no doubt, but there was no sufficient material to justify an order of summary discharge.

The management resisted the complaint. On law it contended that the reference before the Central Government Labour Court at Nagpur had abated and the reference before this court being a fresh one, the Company in no way acted contrary to the provisions of section 33 of the Act. On facts, it contended that after the preliminary enquiry a proper charge sheet was drawn up and a fair and impartial enquiry was held in which the complainant participated along with the Union representative. The evidence was properly considered and the order was passed after proper consideration of the facts and circumstances of the case. The Company also denied specific allegations made by the complainant in his complaint petition.

On the date of hearing at Dibrugarh, the complainant examined himself and two witnesses, and the Company proved certain documents without adducing any oral evidence. The issues are (1) whether this complaint is tenable, (2) if so, whether the order of summary discharge is justified on merits.

Issue No. 1.—The Industrial Dispute between the Company and their workmen was initially referred to the Nagpur Labour Court with Sri P. D. Vyas as the Presiding Officer, in August 1958. The services of Sri Vyas however ceased to be available and the same dispute was then referred to this Court in September, 1959.

As per Exhibit G, the workman was discharged with effect from 22nd May, 1959 by an order dated 21st May, 1959. It appears from this Exhibit that an industrial dispute was pending before Nagpur Court on the relevant date and the Company applied for approval of the action taken against this workman. It is not clear whether approval was accorded or not. The mere averment by the Company in its statement that the application had abated against a counter averment does not, I think, afford a complete answer to this point. The same industrial dispute has come up before this court for adjudication and it was up to the Company to move this court for approval of its order of discharge against this workman, if it

had not obtained the same while the Nagpur Court was functioning. The position therefore is that, by discharging a workman during the pendency of an industrial dispute without requisite approval under section 33 of the Act, the Company had committed contravention giving rise to a cause of action in favour of the workman. This contravention is the condition precedent to the exercise of the authority by this court under section 33A. This complaint is therefore found tenable. This disposes of issue No. 1.

Issue No. 2.—This brings me to the merits of the case. Although it was sought to be contended on behalf of the workman that the contravention of section 33 itself is sufficient to set aside the order of discharge complained of, I find, that the position is otherwise. In 1955—I.L.L.J. 346 (Automobile Products of India Limited Vs. Rukmaji Bala and others), it was held that the jurisdiction of a court in a matter like this, is not only to decide whether there has been a failure of the employer to obtain the permission but also to go into the merits of the complaint and grant proper relief. The above position was recently reiterated by the Supreme Court in the civil appeal between the Punjab National Bank Limited and their workmen, reported in 1959—II L.L.J. 688. At page 681, the court was pleased to observe as follows—"This there can be no doubt that in an enquiry under section 33A, the employee would not succeed in obtaining an order of re-instatement merely by proving contravention of section 33 by the employer. After such contravention is proved it would still be open to the employer to justify the impugned dismissal on merits. This is a part of the dispute which the Tribunal has to consider because the complaint made by the employee is treated as an industrial dispute and all the relevant aspects of the said dispute fall to be considered under section 33A."

As per Exhibit A he was charged with having attempted on 14th May, 1959 at 11-10 A.M. to remove one big block of brass over the perimeter fence and that he could not, and while it rebounded the workman got hurt and he took the brass block and hid it near the water tank. The workman denied the allegation and stated that he was falsely implicated at the instance of the Darwan Harbans Singh who bears a grudge for not accommodating him with a Chola (oven). Regarding the injuries, his case was that he received the head injuries while working at his home and his injuries in the hand while on duty on a previous occasion. In course of evidence in this court he wanted to support this case. Exhibit I to Exhibit O are the documents embodying the summary of evidence recorded by the enquiring officer Mr. K. B. Ayer. The workman fully participated and one Sri S. Biswas, Labour Union President also participated on his behalf. The Darwan was cross examined by this Labour Union official. In course of the evidence the Darwan in the departmental enquiry stated that he had three witnesses to support his case. Those three witnesses were examined on behalf of the Company. They do not support that they saw this workman committing the offence alleged and relying on this it was vehemently contended on behalf of the workman that the summary discharge cannot stand. I fail to be impressed by this. The observations of the Supreme Court in the Indian Iron & Steel Company Limited vs. their Workmen, reported in 1958—I—L.L.J.—261 and reiterated in the Punjab National Bank case, reported in 1959—II—L.L.J.—686, are sufficient answer to this contention. The powers of interference of an industrial court in matters of dismissal are not unlimited. It does not sit as a court of appeal and cannot substitute its own judgment. It can interfere within certain limitations. Viewed in the light of the above principles, it cannot be said in the present case, that the order of dismissal is vitiated by any of the grounds that would justify an interference. After the enquiry was held the enquiring officer recommended suspension for four days as would appear from Ex. D. By Exhibit F the Installation Manager Mr. Macferlon considered the recommendation and the papers, and came to the finding that the case was such that the workman should not be kept with mere suspension but should be discharged. He considered the medical evidence and also preferred to accept the evidence of the Darwan Harbans Singh. A point was sought to be made that the report of the Junior Works Assistant Sri H. N. Chakravarty which is Exhibit C was taken into account at the time of passing the order of discharge, although the evidence of this man was not made available in course of evidence. But from Exhibit I it appears that the position is otherwise. The statement of Junior Works Assistant was admittedly read out to the workman by the enquiring officer and the workman gave his evidence after hearing those statement. Further, the authority considered the fact that the brass block had blood stains and on evidence he connected this blood with the blood out of the injuries in the person of the workman. On the question of grudge alleged by the workman and denied to by the Darwan, the management did not accept the plea and on evidence, this view does not appear to be erroneous.

There is no material to hold that the enquiry is in any way vitiated. In view of this position the plea that the impugned order is at large before this court cannot prevail.

In short, it cannot be said that the order is hit by victimisation, unfair labour practice, perversity or violation of the principles of natural justice. The order of discharge is therefore held to be justified.

The result is that the application under section 33A of the Act stands dismissed. I however pass no order as to costs under the circumstances.

It is awarded accordingly on the 18th day of February, 1960 at Gauhati.
Dictated & corrected by me.

M. K. BARKATAKI,
Presiding Officer, Labour Court,
(Constituted by Central Government).

BEFORE SHRI M. K. BARKATAKI, PRESIDING OFFICER, LABOUR COURT,
(CONSTITUTED BY CENTRAL GOVERNMENT WITH HEADQUARTERS AT
DIBRUGARH, ASSAM)

CASE No. 3(C) OF 1959 IN REFERENCE NO. 1(C) OF 1959

BETWEEN

Sri Bali Wallaiya, Regd. No. 27812, Mazdoor, Assam Oil Company Ltd., Digboi.

AND

Assam Oil Company Ltd., Digboi.

In the matter of complaint of Sri Bali Wallaiya, Regd. No. 27812, Mazdoor, Assam Oil Company Limited, Digboi in Case No. 3(C) of 1959, under section 33-A of the Industrial Disputes Act, 1947.

APPEARANCES:

1. For the Workman—Sri P. K. Sanyal, Advocate, with Sri S. K. Pramanik, Office bearer of the Union.
2. For the Company—Sri J. K. Ghosh, and Sri B. R. Das, Advocates.

AWARD

This matter arises out of a complaint filed by Sri Bali Wallaiya, registered No. 27812, mazdoor, Assam Oil Company Limited, Digboi, under section 33-A of the Industrial Disputes Act, 1947 alleging contravention of the provisions of section 33 of the Act.

His case is that he was wrongfully discharged by the Company during the pendency of an industrial dispute in the Central Government Labour Court, Nagpur, without requisite sanction under section 33 of the Act. The charge that he dishonestly removed some oil out of the godown and handed over the same to an unauthorised person was false. There was no proper enquiry made and the management in passing the order was actuated by motives of victimisation.

The management resisted the complaint alleging that there was no contravention of section 33 and that the order of discharge was passed after due and proper enquiry. The Company also denied the allegations of victimisation and unfair labour practice.

On the date of hearing at Dibrugarh, the complainant examined himself and one witness. The Company did not adduce any oral evidence but proved some documents.

Two issues arise in this case namely, (1) whether this complaint is tenable and (2) if so, whether the order of discharge is justified on merits.

Issue No. 1.—It may be stated here that the industrial dispute between the Company and their workman was initially referred to the Nagpur Labour Court with Sri P. D. Vyas as Presiding Officer in August 1958. The services of that

officer however ceased to be available and the same dispute was then referred to this court in September, 1959. Exhibit I is the order of discharge effective from 16th May, 1959. It appears from this document that the Company as a matter of fact, applied for approval before the Labour Court at Nagpur. It has been alleged in the complaint that the Nagpur court did not approve of the action taken by the Company. There is no evidence or averment from the side of the Company to the effect that the approval sought for was granted by the Nagpur court.

It was sought to be contended by the learned Advocate for the Company that since the order of discharge was passed before the constitution of this court, the management did not think it necessary to pray for any approval in this court. I fail to be impressed by this. The impugned order was admittedly passed during the pendency of a dispute in the Nagpur court. The same and identical dispute was subsequently referred to this court as the services of that particular officer ceased to be available. It is no doubt true that this is apparently not a case of transfer of a reference from one court to another, but it is however, obvious that the identical dispute during the pendency of which this impugned order was passed has come to this court. It therefore appears that it was obligatory for the Company to seek approval of this court when the dispute was referred here. In this view of the matter, I hold that the Company has committed contravention of section 33 of the Act, giving rise to a cause of action in favour of this workman. This contravention being the condition precedent to the exercise of the authority by this court on a complaint under section 33-A, it is found that it is tenable. This issue is disposed of accordingly.

Issue No. 2.—Sri Sanyal for the complainant urged that the contravention of section 33 itself is sufficient to set aside the order of discharge complained of. 1955-I—L.L.J.—346 (Automobile Products of India Limited vs. Rukmajl Bals and others) is an authority to the contrary where it was held that the jurisdiction of the court in a matter like this is not only to decide whether there has been a failure of employer to obtain the permission but also to go into the merits of the complaint and grant proper relief. This was recently reiterated by the Supreme Court in 1959 II—L.L.J.—660—Punjab National Bank Limited, vs. their workmen. For the above reasons I find that I have got to go into the merits of the matter.

As per Exhibit B, the workman was charged with having committed on 16th August, 1959 at 8-15 A.M. the offence of dishonestly removing without any official permit two cans and two tins full of oil out of the godown and handed over the same to an unauthorised person. The complainant workman denied this. Exhibit C to Exhibit S are the relevant papers about the domestic enquiry held by the management. That an enquiry was held and that the workman and the representative of the union participated are not denied. Witnesses were examined both on behalf of the Company and the workman. The workman named two persons and they were examined as his witnesses. Sri Sanyal for the workman contended that there is no evidence on record to show that anybody witnessed this workman actually removing the articles and that the Security Officer was not examined.

It is necessary to refer here to the alleged incident in some details. The day in question was a Sunday. One Abani Paul is the man who normally works in the Motor Garage Oil Godown. On Sundays he is relieved on his work by a substitute. On the particular occasion the present workman Sri Wallaiya was deputed to work there. He is, of course, illiterate. According to the workman, on that particular day he went to his job as usual in the morning and Sri Abani, the permanent workman in charge of the godown also appeared and offered to work along with him. They both worked together. Then one after another both Abani and this workman went to the latrine. While this workman was in the latrine, Abani managed to make over oil to a third man named Sri Dhiren. Then for some reason or other the two were quarrelling with the cans on a cycle when the Chowkidar, also a substitute, happened to see this. Later on, all of them were sent to police. According to the opposite party it was this workman who was responsible for the godown that day, removed and made over the oil to Sri Dhiren when the permanent workman Sri Abani happened to see the oil while on his way to the railway station.

There is of course no direct evidence to show that this complainant workman removed the oil but on the evidence recorded in the enquiry, the view that this

workman did remove cannot be ruled out under the circumstances. The other grievance that the whole verdict was based on the evidence of Sri Abani Paul who was also one of the suspects is also not very accurate. Exhibit L is the report of Sri P. N. Ganguli who held the enquiry. This clearly shows that this officer considered all the relevant evidence and made his recommendation thereafter. It further appears from Exhibit M and Exhibit P that two more witnesses, one on behalf of the Company and the other on behalf of the complainant workman were also examined. All these indicate that the management recorded all the evidence available in this connection on different days. Yet another allegation that the Security Officer was not examined does not seem to be very material. The Security Officer arrived after the alleged occurrence and his non-examination cannot be said to have in any way prejudiced this workman. On the top of all these, there is the evidence of one Sri Abdul Gani who was examined on behalf of this complainant workman on a subsequent day as prayed for by him. It appears that his evidence does not support the case sought to be made out by the complainant workman himself. It will thus appear that the view adopted by the management on the evidence on record cannot be said to be either unreasonable or perverse in any way.

Sri Sanyal also urged the plea of victimisation on the allegation that the management should not have drawn up proceedings and discharged this man during the pendency of the police case. As briefly indicated in stating the facts, the matter was reported to the police immediately when this complainant workman along with Sri Abani and Sri Dhiren were sent up to police who registered a case against all the three of them under section 454/380 I.P.C. Ex. I is the certified copy of the charge sheet. It appears from the record that the police case was pending even when the complaint was filed in this court. Whatever that might be it is not a rule of law that the management is precluded from proceeding against a workman when a case is pending in a court of law. Then again the mere fact of the Company proceeding against the complainant during the pendency of a police case against three persons including this workman would not by itself amount to victimisation as alleged by Sri Sanyal.

Sri Sanyal sought to make out yet another point of victimisation by arguing that the enquiry was made by the prosecuting officer himself. Exhibit R discloses that in reply to a question put by the Union representative on 22nd August, 1959, the enquiring officer said that he was both "prosecution and investigating officer in the case". By Exhibit Q dated 2nd September, 1959 he explained that by "prosecution officer" he meant his act of issuing the charge sheet. Whatever that might be, in industrial matters it is not always possible to stick to the common law rule that the prosecuting authority should not sit in judgment over the matter. Of course, where personal interest is involved the common law rule is expected to be followed. In the instant case the record shows that Sri Ganguly was not involved in the prosecution. So I fail to accept the plea of Sri Sanyal in this point.

For the reasons above, it cannot be said that the impugned order is hit by victimisation, unfair labour practice, perversity or violation of the principles of natural justice. The order is therefore held to be justified.

The result is that the application under section 33-A stands dismissed. There will be however no order as to costs under the circumstances.

It is awarded accordingly on this the 18th day of February, 1960 at Gauhati.
Dictated & corrected by me.

M. K. BARKATAKI,
Presiding Officer,
Labour Court.

M. K. BARKATAKI,
Presiding Officer, Labour Court,
(constituted by Central Govt.).

BEFORE SHRI M. K. BARKATAKI, PRESIDING OFFICER, LABOUR COURT,
(CONSTITUTED BY CENTRAL GOVERNMENT WITH HEADQUARTERS AT
DIBRUGARH, ASSAM.)

CASE NO. 1(C) OF 1960 IN REFERENCE NO. 1(C) OF 1959

BETWEEN:

Sri J. K. Chowdhury, Reg. No. 7335

AND

Assam Oil Company Limited, Digboi.

In the matter of a complaint of Sri J. K. Chowdhury, Regd. No. 7335, a workman of Assam Oil Company Limited, Digboi, Assam, in Case No. 1(C) of 1960 under section 33-A of the Industrial Disputes Act, 1947.

APPEARANCES:

For the workman—Sri P. K. Sanyal, Advocate.

with

Sri S. K. Pramanik, an officer of the Union.

For the Company—Sri J. K. Ghosh, Advocate,

Orr., Dignam & Co.

AWARD.

This matter arises out of a complaint under section 33-A of the Industrial Disputes Act, 1947 filed by Sri J. K. Chowdhury Regd. No. 7335—a workman of Assam Oil Company Limited, Digboi, Assam. His case is that he was retired on 31st December, 1959 without express permission of this court during the pendency of Reference No. 1(C) of 1959 and in the absence of any specific contract or agreement for retirement at the age of 55 years between the workman and the opposite party at the time of employment. In this view he claimed re-instatement. The Company resisted the complaint both on law and on facts. On law it alleged that there was no contravention of section 33 and as such this court has no jurisdiction. On facts its case is that the rules of Pension Fund which came into operation with effect from 1956 and of which this complainant was a member, laid down a condition of service to retire at the age of 55 years. The Company characterized this complaint as an afterthought arisen after the publication of the judgment in the case of Guest Keen William (P) Ltd. The workman under the circumstances is not entitled to any relief.

On the date of hearing at Dibrugarh the workman examined himself and the Company declined to adduce any oral evidence. The parties also proved some documents. The issues that arise in this case are whether the court has jurisdiction to try this case and secondly whether on merits the workman was illegally retired from service.

Sri Sanyal for the workman contended that since the workman was retired on 31st December, 1959 during the pendency of the main reference, this was clearly a violation of section 33 of the Act. On facts, he contended that in the light of the case of Guest Keen William (P) Ltd., reported in 1959 II L.L.J. 405, this workman could not be retired under the cover of pension rules introduced in 1956 in the absence of any such provision in the certified standing orders. Sri Ghosh for the Company contended that the rule under which the workman was retired came into force when there was no reference pending and so there was no violation of section 33 of the Act.

Issue No. 1.—This court will derive jurisdiction to act under section 33-A of the Act if there has been contravention of section 33 of the Act. The main reference in this court was no doubt pending on 31st December, 1959, the date on which he was retired; but the question is whether the actual date of retirement will give a cause of action for a complaint under section 33-A of the Act, 1957 II L.L.J. 153 [Imperial Chemical Industries (India) Ltd., Amritsar vs. Chunilal] is a case which had laid down that section 33 of the Act prohibits only doing of certain acts prejudicial to the worker during the pendency of industrial proceedings and does not touch the question of the effect of something already done where that effect is automatic. It will be presently shown that in the instant case the workman was retired pursuant to Pension Fund Rules which came into force in the year

1956. At that time there was no reference pending in any court. In this view of the matter it is found that this complaint is not tenable and this issue is disposed of accordingly.

Issue No. 2.—Since evidence has been gone into, I propose to dispose of the case on merits as well. At para 14 of the complaint it has been alleged that the procedure of normal retirement was introduced with effect from 1957. According to para 4 of the statement of the Company rules of the Pension Fund came into operation with effect from 1956. In course of evidence the workman stated that the Pension rules were introduced in 1956. As observed in the case of Guest Keen, it is clear that before the amendment of the Industrial Employment (Standing Orders) Act, 1947, the worker could raise an Industrial dispute and ask for amendment of the standing orders. After the amendment of the act in 1956 the position was changed and move for any amendment is to be made to the certifying officer or the appellate authority. But it must be borne in mind that to raise a dispute it must not be an individual dispute. Any contention that in the instant case the retirement of the workman was not made under any subsequently certified standing orders but under Pension Fund Rules would not prevail inasmuch as these Pension Fund Rules are also service conditions between the parties. From the written statement of the Company and also from Exhibit 10 which is a letter to the Union Secretary by the Company it is clear that this workman was also a member of Pension Fund Rules. Those rules are Exhibit E. Rule 1(g) provides that the age of retirement in the case of a male is 55 years. The Pension Fund Rules prevail so long they are not modified or altered. The complainant was retired under cover of these rules. So it cannot be said that the workman was illegally dealt with by the Company. In the case of Mettur Industries Ltd. vs. Verma, reported in 1958 II L.L.J. 326, it was observed that when a question arises whether a particular person was improperly dealt with then that question must be determined within the frame work of the existing agreements and rules. The complaint therefore cannot succeed. This issue is disposed of accordingly.

The result is that, the complaint under section 33-A, fails. I however make no order as to costs under the circumstances.

It is awarded accordingly on this the 18th day of February 1960 at Gauhati.
Dictated and corrected by me

M. K. BARKATAKI,
Presiding Officer,
Labour Court.

M. K. BARKATAKI,
Presiding Officer, Labour Court,
(constituted by Central Govt.).

[No. 24/159-LRII.]

ORDERS

New Delhi, the 17th March 1960

S.O. 747.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs B. Patnaik Mines (Private) Limited and their workmen in respect of the matters specified in the Schedule hereeto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (i) Whether the termination of services of Shri A. K. Paul, Garage-in-charge, by Messrs B. Patnaik Mines (Private) Limited is justified;
- (ii) If not, to what relief is he entitled?

[No. 23/4/60-LRII.]

S.O. 748.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Dholpur Stone Company, Barauli, and their workmen in respect of the matters specified in the Schedule hereeto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

SCHEDULE

(1) Reinstatement of the following workmen with back wages:

- (i) Shri Hardayal—Salesman
- (ii) Shri Kishan Gopal—Quarry Incharge
- (iii) Shri Habib Khan—Quarry Incharge
- (iv) Shri Hamid Ali—Driver
- (v) Shri Mohd. Saifi—Driver
- (vi) Shri Mohd. Shakur—Driver
- (vii) Shri Sugan Lal—Cleaner
- (viii) Shri Abdullah Khan—Cleaner
- (ix) Shri Hir Lal—Mistry
- (x) Shri Hardayal Sharma—Quarry Mate.

(2) Re-transfer of Shri Gulmir Khan, Quarry Incharge from Mundpur to Pipalwali Quarry.

(3) Increase in wages.

(4) Bonus

(5) Payment of allowance in case of sickness.

(6) Medical aid

(7) Conveyance facilities.

[No. 23/30/59-LRII.]

S.O. 749.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Hingir Rampur colliery of Hingir Rampur Coal Company Limited and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the termination of services of the following twenty-five workmen by the management of Hingir Rampur colliery was justified; if not, to what relief are they entitled?

- (1) Shri Jagadananda Tripathy
- (2) Shri Sukuru Ganda
- (3) Shri Sukhdeo das Panika
- (4) Shri Mahabir Gond
- (5) Shri Puniram Tali
- (6) Shri Phulu Kurmi

- (7) Shri Gobru Dhobi
- (8) Shri Maleck Kurmi
- (9) Shri Satya Ganda
- (10) Shri Ramakrishna Ganda
- (11) Shri Butu Ganda
- (12) Shri Bedabyasa Behara
- (13) Shri Garibdas Panika
- (14) Shri Mehentara Lohar
- (15) Shri Samaru Ganda
- (16) Shri Sridhar Keut
- (17) Shri Mohandas Panika
- (18) Shri Narayan Ganda
- (19) Shri Ichha Raut
- (20) Shri Rathram Gond
- (21) Shri Dasarathi Keut
- (22) Shri Pandru Syce
- (23) Shri F. D. Roy
- (24) Shri Sankar Ganda
- (25) Shri Khetramanchan Jethi.

[No. 1/68/59-LR-II.]

New Delhi, the 21st March 1960

S.O. 750.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Oriental Bank of Commerce Limited, Delhi and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

SCHEDULE

Whether consequent on the upgradation of the Oriental Bank of Commerce Limited from Class 'D' to Class 'C' with effect from the 1st January, 1956, under paragraph 64 of the award of the All India Industrial Tribunal (Bank Disputes) constituted by the notification of the Government of India in the Ministry of Labour No. S.R.O. 35, dated the 5th January, 1952, as modified by the decision of Labour Appellate Tribunal in the manner referred to in section 3 of the Industrial Disputes (Banking Companies) Decision Act, 1955 (41 of 1955), the workmen of the Bank would be entitled to the payment of dearness allowance on the scale awarded to those Class C Banks which have been already directed to implement the decision of the Labour Appellate Tribunal and if so, from what date after the 30th September, 1958?

[No. 10(133)/58-LRII.]

S. N. TULSIANI, Under Secy.

New Delhi, the 17th March 1960

S.O. 751.—PWA/Mines/Rules/Am.—The following draft of certain further amendments to the Payment of Wages (Mines) Rules, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24, of the Payment of Wages Act,

1936 (4 of 1936), is published as required by sub-section (5) of section 26 of the said Act for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 20th June 1960.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government. Such objection or suggestion should be addressed to the Secretary to the Government of India, Ministry of Labour & Employment, New Delhi.

Draft Amendments

In the said rules,—

(1) in sub-rule (2) of rule 1, the words "or in any oil-field" shall be inserted at the end;

(2) after rule 1, the following rule shall be inserted, namely:—

"1A The provisions of these rules shall apply in relation to oil-fields as they apply in relation to mines.".

[No. Fae. 52(36)/58.]

P. D. GAIHA, Under Secy.

New Delhi, the 21st March 1960

S.O. 752.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 27th March, 1960, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), Chapter V and Chapter VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following area in the State of Madras, namely:—

The revenue village of Palanganatham in Udayarpalayam taluk in Thiruchirapalli district.

[No. F. HI-13(3)/60.]

S.O. 753.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 27th March, 1960, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), Chapter V and Chapter VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas of the State of Andhra Pradesh, namely:—

The areas within the limits of revenue villages and survey numbers of:—

1. Kothapet village taluqa Sirpur district Adilabad, bounded by North Kosni, Survey Nos. 135 and 103; South S. No. 205-199 Bareguda; East S. No. 93, 92 of Bhatpalli, West S. No. 143-141 of Berigaun.
2. Bareguda village taluqa Sirpur district Adilabad: North S. No. 43, 45, 46, Kothapet—South Poddawagu; East S. No. 210 and 211 of Bhatpalli, West Dargown of Asifabad taluqa.
3. Chintaguda village, taluqa Sirpur district Adilabad: North Vempalli, South Koya Wagh, East S. No. 177-178 of Esgaon West S. No. 79, 77 and 78 of Kosni village.
4. Bhatpalli village taluqa Sirpur district Adilabad; North Koya Wagh, South Peddawagu East Andvelli, West S. No. 20 and 18 of Kothapet.
5. Andvelli village taluqa Sirpur district Adilabad, N. Koyawagu South Peddawagu, East Dalakonda, West S. No. 9, 10 and 11 of Bhatpalli village.
6. Kosni village taluqa Sirpur district Adilabad; N. Regalguda S. No. 178 of Kosni, South S. No. 201-218 of Kothapet, East S. No. 128-106, Chintaguda; West Dargown of Asifabad taluqa.
7. Yampelli village taluqa Sirpur district Adilabad, North Chelapelli, South S. No. 41 and 40 Chintaguda, East Deheli West Regalguda village.

[No. F. HI-13(4)/60.]

New Delhi, the 22nd March 1960

S.O. 754.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 27th March, 1960, as the date on which provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), Chapter V and Chapter VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Mysore, namely:—

- (1) The areas within the limits of Hubli Municipal Borough as constituted under the Bombay Municipal Boroughs Act., 1925 (Bombay Act No. XVIII of 1925) as in force in Bombay areas;
- (2) The areas within the limits of the following revenue villages and Survey Nos.:—

North.—Rs. Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12 and 13 of Topalgatti Village. Rs. Nos. 1A, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23A, 23B, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36A, 36B, 37, 38A, 38B, 39, 40, 51A, 41, 42, 43, 44, 45, 46, 47, 48A, 48B, 49, 50, 51, 52, 53A, 53B, 54, 55, 56, 57, 58, 59, 60, 62, 64, 494, 495, 498, 499, 515 and 517 including the relevant portion of Nala adjoining R.S. Numbers concerned of Unkal village the portions of R.S. Nos. 73, 72A and 70 which are not already included in the existing Municipal Limits, and R.S. Nos. 72B, 74, and 75 including the portion of rifle range which is not already included in the Municipal limits of Nagashotikop village; R.S. Nos. 142, 141, 143, 144, 145B1, 145B2, 145A, 147, 140, 139, 138, 137A, 137B, 136, 121, 120A, 120B, 119A and 119B of Bangeri village.

East.—R.S. Nos. 28, 29, 30 and 69 of Keshwapur village; R.S. Nos. 9, 10, 11, 211, 12, 13, 14, 15 and 16 of Bammapur village.

South.—R.S. No. 58 of Binal village; R.S. Nos. 51 and 52 of Ayodhya village; R.S. Nos. 3, 4, 7, 8, 9, 10, 11, 12, 13, 89, 90, 91A, 91B, 92, 93 and 94 of Ahabalapur village.

West.—R.S. Nos. 25, 26, 24, 20, 21, 22, 32B, 32A, portion of 35 which is not already included in the existing Municipal limits, 47, 48, 49A, 49B, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 110, 111, 112, 113, 114, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127 and portion of 128 of Krishnapur village which is not already included in the existing Municipal limits; R.S. No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of Jangamarkop village; R.S. Nos. 21, 22, 23, 24, 28, 29, 30A, 30B, 31, 32, 35, 36, 37, 38, 41, 42, 43, 44, 45, 46, and 47 of Mariyan Timmasagar village.

All the above survey numbers with their sub-divisions, if any, roads and Nalas etc., are included.

[No. F. HI-13(6)/60.]

S.O. 755.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 27th March, 1960, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), Chapter V and Chapter VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas of the State of Bihar, namely:—

I. The areas within the limits of the following revenue villages in the district of Shahabad:—

Village	Thana No.	Revenue Thana
(a) Banjari	609	Sasaram
(b) Dehri	161	Dehri
(c) Dalmianagar		Dehri
Makrain	140	
Dilia	162	
Pali	160	
Part of Sidhauri	147	
Mathuri	159	

II. The areas within the limits of the following revenue villages in the district of Palamau:—

Village	Thana No.	Revenue Thana
(a) Deori Kalan	357	Hussainabad
(b) Saidabad	355	Hussainabad

[No. F. HI-13(5)/60.]
BALWANT SINGH, Under Secy.

New Delhi, the 22nd March 1960

S.O. 756.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad in the matter of an application under section 33A of the said Act by the Shipping Employees' Union.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

Application No. 3 of 1959

ARISING OUT OF REFERENCE NO. 27 OF 1959

In the matter of a complaint under Section 33A of the Industrial Disputes Act, 1947 (XIV of 1947).

PARTIES:

Shipping Employees' Union, 38 Hem Chandra Street,
Calcutta ... Complainant.

Vs.

Messrs. C. Laurie & Co., Contractors, 3 Mangoe Lane, ... Opposite party.
Calcutta-I.

PRESENT:

Shri G. Palit, M.A.B.L., Chairman, Central Govt. Industrial Tribunal,
Dhanbad.

APPEARANCE:

Shri Nirmal Mukherjee, Joint Secretary, with Shri Radha Govindapati,
Assistant Secretary, Shipping Employees Union,—for the applicants.

Shri P. K. Sen Gupta, Vice President, Calcutta Port Stevedores Association,
—for the opposite party.

Camp: Calcutta, dated the 17th March 1960

STATE: West Bengal.

INDUSTRY: Shipping.

AWARD

It is the contention of the union that there were 17 watchmen working in the ships of the American Export Lines prior to their contract with Messrs. C. Laurie & Co., Contractors, in February 1959. The opposite party—company wished them to work in other lines by rotation with other watchmen of those lines and to receive wages at different rates of these respective lines. These watchmen did not agree. They want that they may be spared from this change of duties and service condition. This dispute has been referred to this Tribunal as Reference No. 27 of 1959.

2. The opposite party has raised a legal objection namely that the application under Section 33A of the Industrial Disputes Act 1947 is not maintainable because

the question of taking permission of the Tribunal cannot arise because the Reference No. 27 of 1959 to which reference has been made was referred to this Tribunal as per Order No. LR.IV.38(7)/59 dated 24th April 1959. The present dispute arose in February 1959. To meet this objection the union contends that the conciliation proceedings were pending when the reference was made to this Tribunal. But Section 33A of the Act does not contemplate any pendency of proceedings before a Conciliation Officer. It is only when a proceeding is pending before a Tribunal and any contravention is made of Section 33 during such pendency, then the aggrieved employee may make a complaint in writing under Section 33A of the Act. Besides, the conciliation proceedings must be deemed to have ended when the reference was made to the Tribunal. I refer to Section 20(2)(c) of the Industrial Disputes Act, where it is distinctly stated that when a reference is made to a Tribunal under Section 10 during the pendency of conciliation proceedings, the conciliation proceedings shall be deemed to have been concluded. Besides, Section 33A has its operation confined only to pendency of a proceeding before a Labour Court, Tribunal or National Tribunal. So in that view of the matter the present application under Section 33A of the Act cannot lie.

3. The application under Section 33A as made is also defective. Under Section 33A it is the aggrieved employee who can make the complaint in writing. It is not the union which can make such a complaint. In the present case the aggrieved employees have not made the complaint in writing. It is the union which figures as the complainant. So the application under Section 33A as framed is also defective and not maintainable in law. So it is liable to be rejected. I reject it accordingly.

G. PALIT,

Chairman,

Central Govt. Industrial Tribunal.

Calcutta, the 17-3-1960.

[No. 28/7/59/LRIV.]
A. L. HANNA, Under Secy.

ORDER

New Delhi, the 16th March 1960

S.O. 757.—In pursuance of clause (a) of sub-section (I) of section 22B of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby authorises the Chief Labour Commissioner (Central) to sanction the making of complaints in court in respect of offences under clause (a) of section 22 of the said Act.

[LWI(I)-3(5)/60.]

K. D. HAJELA, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 17th March 1960

S.O. 758.—It is notified for general information that the following persons have retired from the membership of the Advisory Panel of the Central Board of Film Censors at Madras with effect from the dates shown against them:

Name	Date of retirement
1. Shri K. Satakopan	3rd February, 1960 (AN)
2. Shri Shankar Raju Naidu	3rd February, 1960 ..
3. Dr. V. N. Sharma	3rd February, 1960 ..
4. Lt. Col. G. S. Gill	3rd February, 1960 ..
5. Smt. Nazir Hussain	3rd February, 1960 ..
6. Shri B. K. Sarvotham Rao	26th February, 1960 ..
7. Shri T. Chengalvarayan	26th February 1960 ..
8. Shri S. Mahalingam	26th February, 1960 ..

[No. F. 11/4/59-FC.]

ORDER

New Delhi, the 11th March 1960

S.O. 759.—In exercise of the powers conferred by section 6 of the Cinematograph Act, 1952 (37 of 1952), the Central Government hereby directs that:—

- (1) on and from the 1st April 1960, the film entitled "ADALAT" (HINDI) in respect of which "U" Certificate No. 25781 dated 5th November 1958, has been granted to M/s. Kwatra Films, Bombay, shall be deemed to be a film in respect of which an "A" Certificate has been granted, and
- (2) the sequences specified in the Schedule to this Order shall be excised from all copies of the film and the certificate granted in respect of the film shall be produced before the Board of Film Censors for necessary amendment thereof by the 31st March 1960.

SCHEDULE

Reel No.

5. The sequence of assault on Nirmala by Kedarnath should be reduced to the minimum necessary for continuity. It may be shown that Kedarnath catches her hand and pulls her. Kedarnath removes his mask and his spectacles and assaults her and she cries for help. Kedarnath looks out of the window when police siren is heard. This much may be retained.
6. The scene of Kedarnath supplicating Nirmala and chasing her after she has been thrown out of the house by her aunt should be reduced to the minimum.

[No. 9/14/59-FC.]

D. R. KHANNA, Under Secy.

MINISTRY OF REHABILITATION

New Delhi, the 17th March 1960

S.O. 760. Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee property specified in the Schedule hereto annexed in the state of Madhya Pradesh for a public purpose being a purpose connected with the relief and rehabilitation of Displaced Persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the said Schedule.

SCHEDULE

Serial Number	Particulars of the Evacuee Properties	Name of the town and locality village in which the property is situated	Name of Evacuee
	Two residential houses	Murgi Bazar, Jehangirabad, Shrimati Saida Bi wife of Bhopal. Muzaffar Ahmed daughter of Mustagir Ahmed.	

[No. F. 1 (1220)58/Comp.III/Prop-I.]

S.O. 761.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the state of Madhya Pradesh for a public purpose being a purpose connected with the relief and rehabilitation of Displaced Persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule.

SCHEDULE

Serial No.	Particulars of the evacuee properties				Name of the town and locality in which the properties are situated	Name of evacuee with parentage
1	House	.	.	.	Kaithwali Gali, Lashkar	Shri Surajul Rehman.
2	House	.	.	.	Bhsu Ka Bazar, Lashkar	Shri Hakim Asreelullah son of Kalander Ali.
3	House	.	.	.	Hanuman Nagar, Lashkar	Shri Ahodral Gafoot son of Karim Dad Khan.
4	House	.	.	.	Hanuman Nagar, Lashkar	Shri Haji Noor Mohammad son of Ali Bux.
5	House	.	.	.	Hanuman Nagar, Lashkar	Shri Haji Noor Mohammad son of Ali Bux.
6	House	.	.	.	Kamal Singh Ka Bagh, Lashkar,	Shri Alladin son of Kadar Bux.
7	House	.	.	.	Danaoli, Lashkar	Shri Banne Khan son of Fatch Sher Khan.
8	House	.	.	.	Maddi Ka Bazar, Gwalior	Shri Janod and Gausoo son of Bhisti.
9	House	.	.	.	Noor Ganj, Gwalior	Shri Kaloo son of Pir Bux.

[No. F. 1 (1220)-58/Comp.III/Prop-I.]

S. O. 762.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the Union territory of Delhi specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the said evacuee properties.

THE SCHEDULE

Sl. No.	Particulars of evacuee property	Name of the town and locality in which the evacuee property is situated	Name of evacuee	Parentage of evacuee
1	XIV/6565-79/5126-29	Qasab Pura Road	Mohamed Wazir	Son of Mohamed Amir.
2	XIV/6945/5862-64 Plot No. 39(N)	Basti Harphool Singh	Asha Bi	Wife of Mohamed-din.
3	XIV/7052/6128	Nawab Road	Shamaruddin	
4	XIV/7145/6213-14	Nawab Road	Karim Bux	Son of Rahim Bux.
5	XIV/7156-57/6225	Nawab Road	Mohamed Hussain	
6	XIV/7218/6290	Qasab Pura	Mohamed Ra'i	Son of Abdul Karim.
7	XIV/7317A/6372	Qasab Pura	Islamuddin	Son of Ibrahim.
8	XIV/7402/6431	Qasab Pura	Rahim Bux	
9	XIV/7401/6432	Qasab Pura	Abdul Karim	Son of Abdul Rahim.
10	XIV/7402-4/6433	Qasab Pura	Rahim Bux	
11	XIV/7723-30/6729-31	Ahata Kidara Bira Hinlu Rao	Musamat Aziz Khan	Daughter of Mohamed Mirza.
12	XIV/7952/6911	Ahata Kidara Bara Hindu Rao.	Halule Hussain	Son of Nazir Hussain.
13	XIV/7960/6919	Ahata Kidara Bara Hindu Rao	Mohamed Farooq	
14	XIV/7974/6934	Ahata Kidara Bara Hindu Rao.	Noor Ahmed	
15	XIV/8231/7163	Qasab Pura	Lula	Son of Palu.
16	XIV/8283/7219	Qasab Pura	Mohmed Ibrahim	
17	XIV/8495/7359	Qasab Pura	Hafiz Mohamed Ismail	

1	2	3	4	5
18	XIV/8783/7657	Qusab Pura	Ibrahim	Son of Abdul Karim.
19	XIV/5297-99/7852-	Bara Hindu Rao	Said Hussain	
20	XIV/9334-35/7889-	Mohalla Shakhan	Mohamed Hussain	Son of Mohamed Sadiq.
21	XIV/9408-90/7945-	Mohalla Shakhan	Mohamed Jamil	Son of Abdul Qasir.
22	XIV/9491-94/8014-	Mohala Shakhan	Razia Bi	Wife of Aziz Ullah.
23	XIV/13457/8669	Shidi Pura	Babu Ali Bux	
24	XIV/13458/8670-72	Shidi Pura	Kutabi and Shaivashti	Scn of Ali Bux.
25	XIV/13541/8720	Shidi Pura	Nur Mohamed	Son of Hafiz Mohamed Ibrahim.
26	XIV/13561-62/8734-	Shidi Pura	B. Mohamed Fazal	
27	XIV/13563/8737	Shidi Pura	Shahab-ud-din	Scn of Noor Bux.
28	XIV/13566-68/8737/-3-4	Shidi Pura	Abdul Majid	Scn of Karamullah.
29	XIV/13635/8760	Shidi Pura	Mohamed Niaz and Ali Mohamed.	
30	XIV/13636/8761	Shidi Pura	Shadi	
31	XIV/13637/8762	Super structure only	Kale Khan	
32	XIV/13791-92/8845-	Shidi Pura	Ali Mohamed and Mohamed Nazir.	Scn of Abdul Ghefer.
33	XIV/13859/8914	Shidi Pura	Abdul Rashid	
34	XIV/13865/8918	Shidi Pura	Shamasuddin and Allah Bux.	Sers of Rabim Bux
35	XIV/14995-15032/-11255-57.	Shidi Pura	Mohamed Syeed, and Umaruddin.	
36	Plot No. 114-A.	Jawahar Nagar	Sheikh M.M. Ellahi.	
37	XII/118-118A/68-69	Main Bazar Subzimandi.	Mohamed Shafi	
38	XIII/239-42/209-12	Teliwara	Mussamat Sultan Begum.	
39	XIII/635-40/558-66	Teliwara	Mussamat Alla Rakhi Rajia Begum	Daughter of Mohamed Hussain.
40	XIII/784-88/670-73	Teliwara	Mohamed Hussain	
41	XIII/930/832	Shish Mahal	Mohamed Ibrahim	
42	XIII/933/832	Shish Mahal Kishan Ganj	Mussamat Shemsul Nisa.	
43	XIII/934-35/832	Shish Mahal Kishan Ganj.	Mohamed Yahya	Scn of Ibrahim.
44	XIII/1293/1271-72	Faiz Ganj	Mussamat Bishmilla Jan.	
45	XIII/1316/1310	Faiz Ganj	Mussamat Menddia Bai.	Wife of Mohamed Ahmed.
46	XIII/1328/1332-33	Faiz Ganj	Abdul Aziz	
47	XIII/1399-1400/-1444-45	Faiz Ganj	Mohamed Naqi	
48	XIII/2213-14/2109-10.	Bahadur Garh Read	Rahim Bux	
49	XIII/2811/2603-5	Teliwara	Mohamed Ahmed Khalifa Ruratuddin	Son of Ahmeddin
50	XIII/2962/2703	Teliwara	Mrqbel Ahmed	
51	XIII/3599/3246	Kucha Hafiz	Mussamat Gulab Bi	
52	XIII/3747/3352-53	Bagichi Achhaji	Mohamed Nezir Heirs	
53	XIII/3861-6/-3/3/62-64.	Bazar Bara Hindu Rao.	of Haji Abdul Hakim.	
54	XIII/3916/3513	Bazar Bara Hindu Rao.	Mohamed Yamin	
55	VI/291/657-71	Chandni Chowk, Delhi	1. Raziud Din 2. Mohamed Usman 3. Sardar Begum 4. Mussamat Khair-ul-Nisa	Widow of Mohamed Amin.
56	VII/780/590-91 & 831-32.	Farash Khan, Delhi	H. Ahmed Jen	

	1	2	3	4	5
57	VII/1643-55 part/ 2658-53 (new)	Mohalla Nirayan	I. II. Khawaja Syed Nisar Ahmed 2. Siraj Ahmed	Son of Hakim Syed Bashir Ahmed	
58	VII/1129/1583-85 & VII/1130AB/1602-A	Mohalla Rodgarh Lal Kuan, Delhi.	Ilakim Zeki Ahmed	Ilakim Zeki Ahmed	Son of Maulvi Bhadur Khan.

[No. F. I (1218)-58/Comp.III/Prop-I]

New Delhi, the 18th March 1960

S.O. 763.—Whereas the Central Government is of the opinion that it is necessary to acquire the evictee properties in the Union territory of Delhi, specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the said evictee properties.

THE SCHEDULE

List of Urban Area of Village " Saqdarpur" for Acquisition under section 12.

Serial No.	Particulars of property		Area Big. Bis.	Name of the evictee with the rights in the property	Remarks
	Khewat No.	Khasra No.			
1	2	3	4	5	6
1.	6/78 Min.	801/61 0/3	1-12	Sultani Begum, Mohmuda Begum, Kalshum Begum, Razia Begum ds/o Kasim Khan, (Evictees)	
2.	6/78 Min	801/61 0/2	1-7	Mohd. Vasal s/o Kasim Khan—4 shares, Zamani Begum d/o Kasim Khan—I share. Salima Begum wd/o Kasim Khan—2 shares. (Non-evictee) Area vested in Custodian.	

List of Urban Area of Village " Tatarpur" for acquisition under section 12.

Serial No.	Particulars of property		Area Big. Bis.	Name of the evictee with the rights in the property	Remarks
	Khewat No.	Khasra No.			
1	2	3	4	5	6
1.	30'68	17/10 17/11/1	2-9 Rosli 1-9 Do.	Mst. Marim ulnisa, Ammat Ulnisa ds/o Karim Bux and Mohd. Hussain and Mahmood Hussain ss/o Badarudin, Mst. Maqid ulnisa d/o Badarudin EVACUEES. Only proprietary rights are evictees.	
		Total	3-17		

List of Urban Area of Village "KALUSARAI" for Acquisition u/s 12

Sl. No.	Particulars of Property Khewat No. Khura No.	Area Bsq. Bis.	Name of the evacuee with the rights in property.	Remarks	
1	2	3	4	5	6
1	69/151	432/308 434/45 435/45 110	0 15 0 17 1 12 3 18	Khairati s/o Rahimbux	2 shares
2	69/152	439/44 431/308 433/45/3	1 0 1 7 0 13	Saraj-uddin s/o Allahdin, Kuriah s/o Jawahar Abdu! Majid & Abdul-karim ss/o Haider Budha s/o Hidayat (with equal shares)	1 share 1 ,,, 1 ,,, 1 ,,, 1 ,,,
3	69/154	47	2 18	Bulanda & Shabrat ss/o Chhana	1 share
4	69/155	309/46 109	2 13 3 4	Noor Mohd., Nabi, Niaz- Mohd, and Dewan ss/o Nimat Sadiq s/o Ghasita Nazar Bux & Nazir Bux ss/o Sultan (*Out of one share) (Evacuees with full owner- ship Rights).	* 1 ,,, 1 ,,, 1 ,,, 1 ,,, 1 ,,,
5	69/156	441/43	8 15	Saraj Uddin (Vendor) Dr. Mohd. Ali s/o Gulam	Area vested in Custodian.
6	69/159	231 341/229 230	1 11 5 19 2 9 2 8	Koriah co-sharer (Mortgagor) Nathu (Mortgagee).	Rights re-deemed in f/o Custodian.
7	69/160	305/3	4 2	Izat Ullah Khan s/o Ramat	Vested in Cus- todian.
8	69/161	342/229	5 3	Ullah Khan, (Non-evacuee) (Mortgagee)	
9	69/162	340/229 307/3	3 16 3 18	Khairati s/o Rahim Bux Saraj Uddin s/o Allah-Din.	2 Shares. 1 share.
10	69/164	311/49	7 4	Kuriah s/o Jawahar	1 share
11	69/166	370/49	2 1	Abdu! Majid & Abdul Karim	1 share.
12	69/167	174	3 1	ss/o Haider	1 share.
13	69/168	167 168	5 3 3 0	Budha s/o Hidayat (with equal shares)	1 share.
14	69/159	389/173 390/173	4 1 1 19 1 19	Pulanda & Shabrat ss/o Chhana	1 share.
			3 18	Noor Mehd. Nabi, Niaz Mohd, & Dewan ss/o Niamat Sadiq s/o Ghasita Nazar Bux & Nazir Biux ss/o Sultan (*Out of one share) (Evacuees)	* 1 share. 1 share. 1 share.

1	2	3	4	5	6
15	63/135	374/187	2 10	Dil Sher s/o Noor Khan evacuee, mortgaged his half share to Hans Ram s/o Ram Dayal, Daulat Ram s/o Ram Chand with equal shares. Fateh s/o Noor Khan, evacuee Dil Sher s/o Noor Khan who further mortgaged the same to Bagho s/o Munir Khan & Mohan Lal s/o Kanhya	Vested in Custodian.
16	63/136	374/187	0 7		
17	63/137	374/187	1 1 3 18	Non-evacuees	$\frac{1}{4}$ share $\frac{1}{4}$, Area vested in the Custodian.
18	55/125	23 443/15	3 3 0 6 3 9	Mohd. Shafi & Majid s/o Ramzani.	$\frac{1}{2}$ share
				Bandhu s/o Inayat (evacuee). All these three persons mortgaged their shares to Umar Khan evacuee, with 4 shares, Ahsan evacuee with 4 shares, s/o Gohar and Bashir Uddin, Habib-ul Rehman ss/o Qamaruddin with one share, who further mortgaged their shares to Bhujni wd/o Udev Singh with $\frac{1}{2}$ share, Mrs. Shanti and Misro wd/o Ram Singh with $\frac{1}{2}$ share. (Non evacuees). Area vested in the custodian.	

[No. F. 1 (1218)-58/Comp. III/Prop-I Part IV.]

(Office of the Chief Settlement Commissioner)

New Delhi, the 14th March 1960

S.O. 764.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints the Tehsildars in the Alwar and Bharatpur districts in Rajasthan, specified in the Schedule below, as Managing Officers in their respective Tehsils for the custody, management and disposal of evictee lands and houses in any rural area, as defined in clause (f) of Rule 2 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, forming part of Compensation Pool, provided that such lands and houses are in the possession of persons other than displaced persons.

THE SCHEDULE

- (a) Alwar District.
- 1. Tehsildar, Kishangarh.
- 2. Tehsildar, Tijara.
- 3. Tehsildar, Lachhmangarn.
- 4. Tehsildar, Mandawar.
- 5. Tehsildar, Rajgarh.
- 6. Tehsildar, Bansur.
- 7. Tehsildar, Behror.

8. Tehsildar, Thana Ghazi.
9. Tehsildar, Alwar.
- (b) Bharatpur District
10. Tehsildar, Deeg.
11. Tehsildar, Nagar.
12. Tehsildar, Kama
13. Tehsildar, Bharatpur.
14. Tehsildar, Bayana.
15. Tehsildar, Rupbas.
16. Tehsildar, Nadbai.
17. Tehsildar, Weir.
18. Tehsildar, Dholpur.

[No. F. 8/15/58(I)-Policy.II.]

S.O. 765.—In exercise of the powers conferred by sub-section (1) of section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints the Collectors of the districts of Alwar and Bharatpur in Rajasthan as Settlement Commissioners in their respective districts for the purpose of performing the functions assigned to a Settlement Commissioner by or under the said Act, in respect of agricultural lands and houses in any rural area, as defined in clause (f) of Rule 2 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, in the said districts.

[No. F. 8/15/58(II)-Policy.II.]

KANWAR BAHADUR,
Settlement Commissioner & *Ex-Officio*, Dy. Secy.

New Delhi, the 18th March 1960

S.O. 766.—In exercise of the powers conferred by sub-section (1) of Section 55 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby directs that the powers exercisable by it under sub-section (1) of section 11 of the said Act shall be exercisable also by the Government of Punjab in respect of Muslim evacuee properties in trust for a public purpose of a religious or charitable nature in that State.

[No. 2(52)/57-Prop.]

S. PRASADA, Dy. Secy.

New Delhi, the 21st March 1960

S.O. 767.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Transfer of Evacuee Deposits Act, 1954 (No. 15 of 1954), the Central Government hereby appoints Shri G. P. Bakhru as Assistant Custodian of Deposits for the purpose of discharging the duties imposed upon such Assistant Custodian of Deposits by or under the said act, with effect from the 28th November, 1959.

[No. F. 22 (c)(7)/59-Admn.]

K. B. MATHUR, Under Secy.

